

LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING

October 2, 1997

Transcript for Agenda Item #6: Discussion of Setting a White-Tailed Deer Hunting Season on Deer Farms.

Chairman Babin: So, that moves us down to Item #6, Discussion of Setting a White-Tailed Deer Hunting Season on Deer Farms. Johnnie Tarver.

Mr. Clyde Kimball: Mr. Chairman, members, in this matter we have the Commissioner of Agriculture, Mr. Bob Odom present to answer any questions and explain the intentions of his department. Prior to that I would like to say that we are still in the process of working with the Department of Agriculture at the direction of the Governor, he told us to give them every consideration and courtesy in cooperating with them and developing this method of harvesting they are speaking of. Also, the Governor has made it explicit to Mr. Odom and to me and to anybody else that when the matter of hunting, not deer farming, but hunting, when they started to expand into the hunting of the white-tailed deer, farm raised, he is explicit about that being under the purview of the Commission of Wildlife and Fisheries for the hunting aspect. And I think Mr. Odom has agreed to that and that's a major step and the Governor supports the Commission and your authority as provided under the Constitution. He also would, does recommend that this year only, due to the time and circumstances and Mr. Odom can better address that, I think some of these farmers have booked hunts ahead of time and as of yesterday, I think, at least one that I know of is fulfilling his booking. So, the Governor would recommend that for this year, he would recommend and ask that ya'll would go along with Mr. Odom's request of the expanded season because of the circumstances and the timing in this matter. However, again from here on out any seasons etc., would come under your direction and control. Mr. Odom, you want to come up here and answer any questions and explain just what it is we are trying to do?

Mr. Bob Odom: Again, I want to say like I did yesterday that Johnnie Tarver with this agency and Bud Courson with my agency has been working on a compromise, on the instructions of myself and the Governor in trying to bring about something that we both can agree upon. We have both signed off on these regulations, as a matter of fact, based on the resolution this morning, we are ready to go to print with them this afternoon. If its in compliance with what the Governor and I have agreed to and then we want to make sure that both agencies work together like we have worked together in the past in other enforcement things, we've had joint task force to go out and work together. We made sure that number 1, you've got the authority on the farm raised to make sure that all, that the wild deer are off. We are going to do that jointly. The other thing is we make sure that we jointly enforce it. The license part is your

responsibility. The way we had to word it is because it takes 2/3 vote of the legislature for you to establish a fee, it doesn't take 2/3 of the vote of the legislature for me to establish a fee. And, but that provision is under your jurisdiction. And again I would just like to ask that you go along with the recommendation that we're making to you along with the Governor and again in line with what we have negotiated out between the two agencies. And, let me tell you what, we finished the negotiations on this thing, all but one definition last night, we finished, we finished them all last night, we had them all but the one definition yesterday morning. That one definition was negotiated out and we're in a position now to adopt the regulation. And again you realize that I have to adopt the regulations because it is a law that is within Agriculture, but I will adopt these regulations in accordance to the Administrative Procedure Act. I will do it on an emergency basis this afternoon. I will then come back and make it permanent based on the fact of how we go through the Administration Procedure Act in order to make it permanent.

Chairman Babin: Okay I...Commissioner Gisclair?

Commissioner Gisclair: Commissioner, I have one question and nobody seems to know the answer and I think I was told yesterday that there was one such operation in operation as of yesterday, the first. I would like, how many permits have you issued, and how many are pending, and what stages are some permits in?

Mr. Odom: We've issued two permits. We have got 10 permits pending at this particular time and again, under the procedure that we are outlined from hence forward those permits will have to go through a joint inspection between Wildlife and Fisheries and ourselves before we issue those permits. So, I can't give you the timeframe that's involved in it because we both have got to go do a joint inspection together.

Commissioner Gisclair: Okay, in saying that we're in October 2nd and corresponding to the deer season, what do you see, perhaps how many permits could be operational by the end of the season?

Mr. Odom: I would think 10 could be in operational by the end of the season and I'm not sure of that. It may be more. It may be less. I don't know that, but well actually, I'm sorry, I was thinking about between now and the end of October. You know, we could have 10. We could have 20, 40 depending on how many permits come in.

Commissioner Gisclair: Okay and on those 10 there - and I'm getting to what I'm concerned about - on those 10 how many acres are we talking about? And that's my question, is how many acres are we going to tie up that people are hunting on now that will not be able to hunt on in the future.

Mr. Odom: I don't think we are tying up any acres that people are hunting on now. I don't think any of those acres people are hunting on now. I think those acres are already fenced and under your license in being fenced. Now there may be one or two that's not and I'm not, maybe Johnnie knows that, and I'm not sure of that, but I don't think, I don't know that we are talking about a lot of acres that's not already fenced. I mean, I don't think any acres that's not fenced now.

Commissioner Gisclair: No, and when I say now, a year ago compared to, you know what I'm saying. I'm sure they started throwing up fences in the last few months.

Mr. Odom: No, most of them already were fenced now. One of them that I can recall and I don't know that answer for sure, but only one that I can recall has put up a fence since that time. But I think most of these people have been operating under a game breeders license and now are moving to this type of license. I believe I'm correct in that. And, you've got 200 and something game breeders license that are out there.

Commissioner Gisclair: Yes, but I think the acreage compared to some of the acreage I hear to a game breeders license, there's a whole lot of difference in the acreage.

Mr. Odom: I don't know what's listed on the game breeders license. I don't know that because I haven't looked at those. And, what I ran into yesterday with the concern of the Legislature, they really wanted a bottom limit put on, because we don't want the publicity nor do we want it to happen, somebody take 10 acres and go out there and have a hunt and line the animal up and the animal doesn't have a fair chance. So, I listened to the Legislature yesterday, they were more interested in making sure we had an adequate number of acres that made it a hunt and not just a kill. And that to me was the direction they were going. Let me say one other thing that's there: any farmer today can fence his own property. And I or you or nobody else can do anything about that, but that's the law today. So, if he wanted to fence it and he belongs to that land, he can fence it. And that, and I'm a hunter, I lease land just like a number of others. As a matter of fact I've got a couple of leases that I've got. Matter of fact, I probably pay a little more for some land because of where it is located than others. But I want to make sure that hunting is there too and stays there like it is, and as you know, it has gone to lease. If you don't have a lease today, unless you are hunting on state land, you basically don't have a place to hunt.

Commissioner Gisclair: And, my next question, and Commissioner Odom I hope you, this has come up as you say up to yesterday afternoon ya'll were in negotiations, so this morning some of us were informed of what went on. I would like perhaps somebody from the Department to get up and go through some of the problems we had

at last meeting, just exactly what was taken care of and what wasn't taken care of

Mr. Odom: I think Johnnie

Commissioner Gisclair: ... to clarify what we went through as far as...enforcement was a big question and other questions that we can, you know, go through to see exactly what happened; because as of this time I am not aware of anything that happened and we don't have it in front of us except a resolution.

Chairman Babin: Commissioner Odom, before...Johnnie, before you start...you noticed all we've talked about so far is hunting, and it's my understanding that this legislation set up deer farming, but all we're talking about here is hunting. I would like to know the difference between the definition of farming and hunting on private property.

Mr. Odom: Well what we're talking about and we say hunting, we call it harvesting and the key thing is the domestic deer is removed off the property to the best of Wildlife and Fisheries and our's ability. That's the difference between the two. Both of us, both of our goal, our goal is to get all - and the term "all" is "all" - but our goal is to get as many of the wildlife and fisheries until we are satisfied - Wildlife and Fisheries and ourselves - that the wild deer is off of there. If one preserve that is operating today, they way they did it, they fenced the sides. They came in and took 40 acres and they leap frogged to 40 acres. And so, it was assured to the best of everybody's ability that all of the wild deer was taken off that property. And that's what they really want. They want to bring in and breed horns. That's what they get paid for. So that's the difference between the two and since it was a part of a kill then that's why we wanted to make sure that Wildlife and Fisheries was involved in it, and we both jointly do the job together.

Chairman Babin: So, the original intent then was not to create a farm to raise these deer to sell to other areas, it was intended to raise these deer to sell as a hunt.

Mr. Odom: No. No. No. The intent...the intent of the legislation, if you go back to the 5, the 10, the 15, the 20 acre farms - that is to raise the deer to sell to the other. So you have two different things that's here. You've got that part of it and then you've got the other part. So you got two separate...two separate deals. Then you've got the exotics. You've got some that just raise exotics and hunts exotics, is all. Then you've got one that's looking at it and I'm not sure that he's going to do it, he won't have any doe deer on his place. All he will buy is buck and he will turn the buck loose and just hunt the buck. And that's the way I understand it is suppose to be.

Chairman Babin: I think we have a lot of concern, and Commissioner Gisclair's idea of having Johnnie come up and let's start going through it, and we can maybe answer some of the questions and enlighten us on to where we are.

Mr. Johnnie Tarver: Thank you, Mr. Chairman, this intense negotiated process began several months ago, it really intensified within the last two weeks, particularly within the last few days. And, I think that we made a lot of progress, we've come a long way. We had some very contentious issues that needed to be addressed regarding enforcement authority, regarding our ability to approve that all of the deer were taken off to our satisfaction, and we walked through the process and inserted the Department where appropriate and the Commission where appropriate and we recognized that you guys are...the Commission is the one who has the final authority on setting seasons, or has the only authority on setting seasons. We agreed to a new set of definitions that was kind of difficult and we've come a long way in satisfying ourselves - the Department's point of view - that we got this thing under control. We have the ability, for instance, to go out and inspect the farms as they are being constructed, during, when they get the construction finished our technical staff will be there as well as Department of Agriculture to go through the thing step by step and make sure that all of the deer are taken off and to make sure that all of the guidelines are being followed. We also have the ability through enforcement of having free-hand. We can go with them jointly or we can go without them to inspect the farms to...at any time. We also have authority to...they will notify us when some of these deer come in from out of state because a lot of these farms, or at least some of them I am told are importing deer in with bigger horns than are ordinarily found around here, I guess is what they are being sold as, and so they are importing some deer. Those deer are, will be, we will be notified 24 hours in advance, so our enforcement agents will know what deer are coming in where, so we've got the situation as far as enforcement and as far as our technical staff is concerned the ability to go out there and do what we need to do and, if necessary, we can cite people and, if necessary, we can reject the application. We have that authority and that's what we wanted and that's what we got. Now it was not easy getting there, and there are probably a lot of questions that will come up that I can't answer and that no one can answer and it'll probably, the questions will come up, the situations won't. We pledged to work with Agriculture. The Governor's Office has encouraged us along that line, and we continue to work closely with Agriculture in trying to answer some of these questions that come up, some of these situations that may come up in the future, and if we walk hand in hand, I think that we can solve most of the problems as we have solved with this emergency document. Now...

Chairman Babin: Johnnie, hold on one second, Glynn has a question on something you just said.

Commissioner Carver: Johnnie, two or three things. One thing is, I mean, ya'll hit me cold here this morning. I knew nothing about these meetings or anything before I walked in this building this morning and there are some issues in here I would like to think about, but never the less, we will do what's necessary. And another thing is, we passed a resolution I believe at the last meeting that you can't import deer and you're talking about importing deer up here.

Mr. Tarver: That's when that, when and if you guys decide to.

Commissioner Carver: In other words, you are asking us to repeal what we did last ...

Mr. Tarver: No. No. No. That's under a separate cover. That has nothing to do with this discussion.

Commissioner Carver: Well in this number 6, it talks about importation of deer.

Mr. Tarver: That's if you guys decide to allow it after a presentation by Agriculture, then that can happen, yes. We had to cover all the events that were possible that we could think about.

Commissioner Carver: In other words, you are telling me that this resolution is going to take precedence over the last one that we passed on importation?

Mr. Tarver: I don't know, that's a legal question here and I don't think so as long as, as long as you're not allowing for importation of deer and you have that authority, then I, but that's a legal question our lawyer will have to answer.

Commissioner Carver: The first statement out of the box, it says imported exotic deer, antelope and elk.

Mr. Tarver: That's assuming that is possible, yes. Now the reason you didn't find out about this is because like I said we've been negotiating on this thing round the clock until late at night every day for almost two weeks and I didn't finish with a document that was presented here this morning...I didn't have my copy of it until I was given a copy of it this morning. But last night at 5:30, we were still talking about definitions and adding in words and taking out words and that sort of thing. So, this was a last minute deal, and I apologize to you, but I had nothing to report to you until we reached some conclusion and we didn't reach any conclusion until last night at about 5:30, and I tried to reach the ones that I could and I did talk to some of you.

Mr. Odom: Let me just say one thing: every deer that comes into this state will be chipped, no "if" and "and's" about it, so its got to come from a farm. It will be chipped and a health

certificate has to come with it. So its got to be...its not like somebody can just bring deer in, its got to have a chip in it and they have to have health papers with it.

Chairman Babin: Tom?

Commissioner Gattle: Has there been prior to last meeting's resolution, has there been deer imported into the state?

Mr. Tarver: I don't think so.

Commissioner Gattle: I'm asking Commissioner Odom then, have there been...has there been deer that has been imported into the state prior to the passing of the resolution last time.

Mr. Odom: I'm not aware of any...

Commissioner Gattle: Okay, so...okay, excuse me, go ahead, I'm sorry. So that the individual who is hunting now is hunting not imported deer or farm raised deer, but he is hunting wild deer?

Mr. Odom: No, no, he's hunting farm raised deer. We've got a number of farms in this state.

Commissioner Gattle: Okay, I just...okay, so the seed for those farms came from wild deer then?

Mr. Odom: No, the seeds for the farms had to come, I don't know where the seeds come from and that ...

(Several people talking)

Commissioner Gattle: Well, I'm asking, if we have imported deer where did the seed from those deer come from?

Mr. Jim Gelpi: Breeding operations licensed by this Department.

Mr. Odom: We got exotics in and they had to come in from outside.

Commissioner Gattle: Okay, but white-tailed deer...Are these...Is this gentleman who is currently hunting - who I think what I understood had opened the season yesterday or whatever it was - is he hunting exotics or is he hunting white-tailed deer?

Mr. Odom: He is hunting white-tailed deer and deer that he bought off of a farm that had been previously licensed by Wildlife and Fisheries.

Commissioner Gattle: In the state?

Mr. Odom: In the state...

Commissioner Gattle: Okay.

Mr. Odom: ...that had been previously licensed as a breeder farm and those deer...I don't know where he got the deer from because I have not looked back at that but it is a licensed farm that they came off of.

Commissioner Gattle: Okay, within the state, they were not imported then okay. Second question I would have is for Johnnie is that the two...I think Commissioner Odom said there are two that are already established and the possibility of as many as 10 pending, I believe is what you said? Of the two that are established, has the Wildlife and Fisheries inspected those and are we assured that there is no wild deer there or what's the status on those two?

Mr. Tarver: There was no provision for us to inspect them at the time the farms were put into place. They were operating under Agriculture's emergency resolution, there was no provision for us to be inspecting. However, I did send some enforcement guys and some technical staff to look at one of the farms that was doing the hunting today as a matter of fact, or could be hunting today, they went inspected the guy late yesterday or the day before, the day before yesterday. So that's one of those situations that falls between the cracks though. I mean this guy was already operating, he is operating in good faith under Bob Odom's emergency rule, and that's one of the things that brought us to the table. We had to get to some conclusion as to how we are going to handle this thing in the future. And that's the document that we produced I think addresses all of the things that we were concerned about, and I feel comfortable with the document at this point.

Commissioner Gattle: Okay so we are moving from this point forward basically on the inspection process that would include both Wildlife and Fisheries and Department of Agriculture.

Mr. Tarver: Once the emergency rule that we agreed to is put into place, yes, then we will have joint inspection, we will have unilateral inspection by enforcement, by technical staff. So we feel very comfortable that we can make it work that way. Now as I said earlier, there is going to be a lot of questions come up and lot of incidences that are possible. I don't think a lot of those incidences will occur, but we are prepared to deal with them when they come up. We've got a good understanding and a good relationship - working relationship - with Mr. Odom and his staff, particularly Bud, and it looks like at this point that we are very close to working together on this issue. And I think that we can continue to do so. And any of the incidences or possibilities that come up, we will address.

Mr. Odom: Our commitment is to make it work together, we are committed to that. I can tell you that visiting with Johnnie, visiting with Mr. Jenkins, visiting with the Governor, we are committed to make it work. If we've got to come back to the table and tweak it, we are willing to do that, we're committed to make it work.

Commissioner Gisclair: I'm going to ask a question to both sides. If in fact we pass this resolution today, is Ag saying that this resolution can go into effect, but the importation of deer can still stay on, the ban of importation of deer can still stay on?

Mr. Odom: Well, I think there is a constitutional issue with the ban, and we are not to get into that discussion because they are farm raised. But we will work with Wildlife and Fisheries to make sure that they agree if any deer comes into this state, it is safe, the health is there and it is identified. And it will only, only go on those farms that have been licensed by Wildlife and Fisheries and ourselves. We will not let it get into the wild under any circumstances. And ya'll got to make the decision on the other, I, that's not my part to do.

Commissioner Gisclair: No, but I'm saying: if in fact this resolution is voted on here today, was it taken for granted - and I'm going to ask that and I wasn't there - that the ban on importation would come off and I think your attorney is shaking his head "yes".

Mr. Odom: Yes, it was our feeling that, under the control, that it would be identified in this regulation by you knowing and us knowing that the ban on farm raised deer-now I don't have any problem if you leave it on wild deer, that's fine, but that would even identify and probably help us some - but I would feel that the ban on farm raised deer needs to come off so that people can breed and change. Other states do that if you go and look at that aspect.

Commissioner Gisclair: And Johnnie, I've got one, and Johnnie I'm going to ask you, the other side...and I think we talked this morning, and that never came up in our discussion. Was that your understanding also, because that never came up in our discussion this morning?

Mr. Tarver: No it didn't, and I was trying to keep those two issues separate. You took that action unilaterally and for just cause, I feel certain, as I would appreciate it - and I'm not a lawyer, and we've got lots of lawyers sitting in the room here, maybe they can more adequately address this - but as I understand it, the resolution you are going to vote on today, only sets the opening and closing dates of the season and has nothing to do necessarily with importation of deer. That's a separate issue.

Commissioner Gisclair: Okay, because we have one lawyer that is saying "yes" from one side and you were saying, and I'm just...

Mr. Tarver: What else is new!

Commissioner Gisclair: ... and we do something today and it ends up back in somebody's court tomorrow. I just...we weren't there to do that and we got hit with that this morning.

Mr. Tarver: Maybe Mr. Puckett, maybe Mr. Puckett can clarify, but I think that all you are voting on this morning is the opening and closing dates. Don would you like to address the question?

Commissioner Carver: Johnnie?

Chairman Babin: Let him address this first and then we will...Don?

Commissioner Carver: Go ahead.

Mr. Don Puckett: The proposition that is before you this morning, as Mr. Tarver said, only addresses a season for the hunting of farm raised deer. It does not purport to act as a repeal of the ban that you imposed last month on the importation.

Commissioner Carver: Could I ask Johnnie, how many antelope farms do we have in this state?

Mr. Tarver: I don't feel comfortable answering that, I would have to get somebody from Agriculture because we haven't been involved with antelope farms at this point.

Mr. Odom: None that I'm aware of. I think the exotics we are talking about and Johnnie you may ...

Commissioner Carver: What about elk?

Mr. Odom: Elk, yes, we've got elk farms and we've got, what's the other deer, fallow, and red deer. But I'm not aware of an antelope farm at all. You see one of the things we have to look at too ya'll, we can't allow any animals to come in here that's going to infect domestic herds, I'm talking about not only deer, but domestic cattle herds. We got to make sure brucellosis free, we've got to make sure that they are disease free and they don't bring some disease in that's going to spread, that's why we got to make sure there is a health certificate, that they are chipped, they are identified, we know - both of us know - exactly where they go to. And again this resolution as your attorney says does not address the other, but I'm just saying we want to know exactly, we don't want to take a chance either. I got a lot to lose like you would have if we get something spreaded out in the cattle in this state

or in the other animals of this state, because its a disease that we would have to fight, too.

Chairman Babin: Where does, where does a deer farm wind up if we in fact pass this resolution setting dates, and we do not repeal the importation of white-tailed deer. It ultimately ends the process somewhere down the line.

Mr. Odom: Well, in my opinion, we would need to address that importation on farm deer in order to make it work. Although we have a number of deer farms in this state today that is selling, that's 10, 15, 20, 30, 40 acres that is now supplying those farms with deer. Now in my opinion we probably got enough of those to sustain it but what you don't want to do - like you don't want to do in cattle, in my opinion - if you got other farms and you breed in genetics, you want to still have the opportunity to breed genetics. But we do have farms in this state today that can supply those other farms.

Commissioner Gattle: So, so right now we are, if we vote on this resolution, we're voting on the hunting season dates, but we're not - just kind of recap - we're not addressing the issue of importation, and from what I hear Commissioner Odom saying is that there's enough stock that is being supplied to these other farms - I mean these hunting compounds, if you will - from these farms to sustain whatever would go on at this point anyway, whatever hunting, okay. And we do have some exotics being raised in this state, which I didn't know. I guess you said elk, antelope and maybe something else.

Mr. Odom: There is another side to this thing, too, ya'll, that's not hunting. We've got some of these farms that are growing for consumption and I'm not talking about white-tailed. White-tailed is exempted from that. But we've got other farms that are growing for consumption, and they have to go to approved slaughter establishments. They have to be permitted by us in order to do that. They've got to be inspected before they go on the table just like any other product. But there is, that's another side of it.

Mr. Tarver: Mr. Chairman, if I may interject...

Chairman Babin: Sure.

Mr. Tarver: ... at this point, Mr. Odom....

Chairman Babin: Johnnie, excuse me, before you go any further, I want to keep this open like we have it if that's all right. We want to kind of deviate a little bit from Robert's Rule of Order. This is a very important issue and we want everybody to have their say on it because we're trying to digest all of this. It's fresh to a lot of us, so please, I'm just giving a lot of latitude here, if that's all right.

Mr. Tarver: Mr. Chairman, I think that Mr. Odom may be able to address this, but I asked him and his staff to come prepared today to talk about the importation issue and you may take that under other business if you so desire.

Chairman Babin: I have a question, we will just move on a little bit. Commissioner Odom, hunting - be it with a bow and arrow or rifle - is still hunting, correct?

Mr. Odom: Yes.

Chairman Babin: We set seasons in Louisiana for bow and arrow, for muzzleloader, for still hunting. It's my understanding that you're asking for...the negotiations have brought it to a point where farm raised white-tailed deer, from October 1st through January 31st, will be hunted with a rifle within these particular farms when in fact, right outside that fence they may have to use a bow and arrow when you can use a rifle inside that. What problem does the Department of Agriculture have with abiding by the rules set forth for every other hunter in the state?

Mr. Odom: Well, the thing that you've got to realize is that this group has spent hundreds of thousands of dollars fencing this fence. He's built a lodge, he's bringing in executives from corporations to come in and to harvest the deer at a profit. I mean it's a profit organization. So, what it does, it gives him a longer time to recover that profit and it still complies with the time that we are killing deer. It is not outside of the purview of the time we are killing deer and that's our total thought in it. If we limit the time, the less dollars that he has the opportunity to make on it. And, when I go back and look at quail, when I look at duck, when I look at anything else that we do this way, we even expand it beyond the season, but we're not asking for that. And, I'm talking about here - I'm not talking about somewhere else - I'm talking about we're only asking that it complies with the time that we're actually killing the animal here, and that's our thinking on it.

Chairman Babin: But is it, it's not much a sport to shoot with a bow and arrow as it is to shoot with a rifle, is it not more sport?

Mr. Odom: Yes, but unfortunately, unfortunately these executives that pays the big money want to come in and shoot it with a gun and not with a bow and arrow and that's, you know, I don't shoot a bow and arrow, but I comply. Of course I hunt on a lease like everybody else, but that's where the other companies, I mean the other states do it. They allow those executives that opportunity to come in, and I don't even know if they follow the season. We're wanting to follow the season, that's the reason.

Chairman Babin: Please excuse me, but just because somebody has the money to come in and do it, I'm not necessarily sure it's right.

Mr. Odom: Well, my, my interest is two things. One, it gives that farmer the opportunity to do with that land what some...it goes back to some property rights. But to me it builds a good image. Not only does that company come in and hunt the deer, they buy the food, they spend the other dollars. Its a good tourist attraction for us and it does a lot of other added on things besides just the hunting. And, it doesn't make any difference - because he's harvesting off a controlled area - that he's farm raised, and its not like that he's harvesting out of the wild - that's raised in the wild - because these are fed, these are farm raised. These he's got his expense in, in order to be able to buy them, to feed them up to the time, to select the horns that they, I mean, the hunter got to select the horns that he wanted to shoot. That's the difference in the two and I understand where you're coming from. But, and another thing, let me tell you, in all of the issues here, in all of the press that we have had, I haven't had the first phone call or the first letter, not one. I haven't had the first phone call or the first letter in the establishing it in that period of time or in the processes here.

Commissioner Gattle: You're also, you're also, I think, in the resolution, you're asking to hunt exotics year-round.

Mr. Odom: Yes that's what the recommendation of Wildlife and Fisheries and ourselves are.

Commissioner Gattle: Okay so, farm raised white-tailed deer within October 1-Jan. 31 and then year-round whenever they want to on these other animals. Let me ask one question: what are the fees associated with this for Wildlife and Fisheries or for Department of Agriculture?

Mr. Odom: All right, the fee process is \$50 permit fee that we charge. And then there is a \$50 fee that's charged by Wildlife and Fisheries, which we get half of it per animal or per hunter and then it's a \$5 tag fee.

Commissioner Gattle: For each animal that they kill?

Mr. Odom: \$5 tag fee for each animal.

Commissioner Gattle: Okay.

Mr. Odom: Plus, now let me make sure one other thing, plus every animal that's taken off one of those places has got to be chipped. So, if he's not chipped at the time of harvest, he's got to be chipped at that time so that Wildlife and Fisheries and ourselves can scan it and make sure that it came from that farm and

where (unintelligible). Plus, it's got to have a tag on it and that tag has got to be on the left ear and that tag has to accomplish (sic) that animal wherever it may go plus that ear has to accomplish (sic) that animal so that we know that it's came off of that farm and that place.

Commissioner Gattle: You mean they are going to have a tag on the ear of this animal when they shoot it?

Mr. Odom: No. No, but after you shoot it, you tag it.

Commissioner Gattle: Oh, okay, but I'm talking about, I'm talking about the tag that goes in the ear like an ear mark for cattle or something. Are they going to have to have that ahead of time?

Mr. Odom: No. No. No.

Commissioner Gattle: Okay, that's what I thought I heard you say - there was some tag in the ear.

Mr. Odom: No, I'm talking about after the animal is harvested, to follow, didn't we, didn't you several years ago have a tagging process, or did we? Yes, I seem to remember that you had a tagging process. I know Mississippi has a tagging process, some of the other states. But this one has got to have a tag attached to it so you know it came off the farm raised. You've got no question about it. Plus it's got to have a chip in that ear. You can do two things, you can look at the tag and you can scan it with the chip.

Chairman Babin: Mr. Carver?

Commissioner Carver: Is this chip put in after the deer's harvested?

Mr. Odom: This chip is put in after the deer's harvested.

Commissioner Carver: Now you said a while ago that every deer that would come into the state would have a chip in its ear.

Mr. Odom: That's exactly right. Every deer that comes into this state has got to have a chip, every deer that's moved in this state off a farm has got to have a chip in it. So, but the problem that's there - and you and I know that - is that if you put it on there and they are breeding, there's no way to chip that fawn until you, until you kill it. But if it moves in commerce, outside or in, it's got to be chipped. Wildlife and Fisheries has got to be notified so they are aware of what's going on.

Commissioner Carver: You mentioned the fact that the hunter looking for antlers...aren't, Mr. Bateman, these antlers exotics, aren't they antlered too? Don't they shed their antlers just like

white-tailed at about the same time? Elk? Fallow? I don't know. I'm asking. They don't? I know antelope do not.

Mr. Bateman: The difference is, you bring a deer in from Colorado for instance, he sheds his antlers at perhaps a different time. I know you know all of that, and of course the exotics, where the horns - it's a horn rather than an annually grown antler - it's a different situation.

Commissioner Carver: Yes.

Mr. Bateman: So, its completely different with exotics, and it will probably be different with different white-tails that are brought into the state because they are from different genetic herds and different biological situations. So, that's the answer to that.

Commissioner Carver: Yes, okay. I was just curious.

Chairman Babin: Commissioner Odom, I alluded to something just a minute ago and I would like to expand that a little bit. I was talking about hunting with a bow and arrow and hunting with a high powered rifle. The Department of Agriculture is charged with the responsibility of overseeing agriculture in this state and we as Wildlife and Fisheries is charged with the responsibility of, not only the species, but hunter safety. Correct me if I'm wrong, Enforcement, do someone, someone hunting - because I'm not a deer hunter - someone hunting with a bow and arrow, do they have to wear safety orange.

An Unidentified Speaker: Not on private property.

Chairman Babin: Not on private property. If that private property - hypothetically here - if that private property is next to one of these deer farms, and that hunter is out there hunting with a bow and arrow and he doesn't have safety orange on, but right on the other side of the fence someone is using a high-powered rifle, does that not create a situation where we have farmers in jeopardy? Two meetings ago we altered a season because we were worried about hunter safety, and I am very much concerned that from October 1st through January 31st, we can use high-powered rifles inside the fence when in fact the person on the outside can not and also may not be protected.

Mr. Odom: My question to you is this, regardless whether its a bow or rifle, if you don't know the guy is over there and you don't know under either circumstances how different does it make, I mean, is it more, is it less hunter safety this guy may shoot this one because he doesn't know he's over there during the regular season, both are shooting with high-powered rifles? So we need to make sure that safety factors with both and I don't see the difference. I don't see...if you don't know he's there and you're

shooting a rifle, and if it's the gun season and you don't know he's there, you still got a problem with hunting safety and making sure.

Chairman Babin: But that bullet is going to travel a lot further than a bow and arrow will.

Mr. Odom: Oh, I understand that, but what I'm saying is that then under that logic to me you almost have got to say, we're going to alternate the seasons by farms because we don't know where that hunter is. Even on the same farm sometimes or, we may not know where the hunter is if it's not organized. And that's why its got to be organized. These people, these people have got a substantial investment. It is their responsibility to make sure that they are safe. I mean that would be...that would be the best way I know to do away with this type of operation if somebody would come in and get hurt. And I guarantee you that Wildlife and Fisheries and ourselves is going to do everything in our power to make sure that nobody gets hurt regardless of whether its the bowhunter or the other hunter. In deer hunting, we don't know where the other guy is located if there are two different operations that are side by side unless there is some coordination.

Chairman Babin: Johnnie do you want to continue with the program as we started it. Thank you Commissioner Odom, there will be some more questions I'm sure.

Commissioner Gisclair: Johnnie?

Mr. Tarver: I don't know what else I can add after this discussion, and I'll be glad to answer any questions that you've got.

Commissioner Gisclair: What were the definitions that you had a bunch of problems with?

Mr. Tarver: Well the definition that we had problems with was the definition of harvesting and we finally agreed to some language that I will read to you right now -- the attempt to or act of shooting, wounding or killing farm raised alternative livestock in a manner consistent with those techniques commonly referred to as hunting in Title 56 of the Louisiana Revised Statues. That does two things, it adds hunting in as harvesting and it makes the hunting activity subject to Title 56 and that's the two things that we needed.

Commissioner Gisclair: You see - and I'm going to get back to something - and last meeting, Hugh Bateman got up, ya'll got up and gave us itemized things that ya'll had problems with, correct?

Mr. Tarver: That's correct.

Commissioner Gisclair: This morning we should've had those same itemized problems with solutions and what was taking place. You just read a definition, I don't have that before me. I don't have what ya'll had a problem with.

Mr. Tarver: We didn't finish this definition until 5:30 last night.

Commissioner Gisclair: Okay, something could have been put together that, as the problems were addressed, an explanation could have been given with them problems that something was accomplished and that problem was taken care of. Again, we have nothing at all, you know what I'm saying?

Mr. Tarver: And I apologize, there was no other way for us to continue to operate in a manner in which we were both making concessions, we were both dealing with the same issues and you can talk to our attorneys, who I want to congratulate for doing a great job helping us with this thing, and enforcement and the technical staff. But there was no way that I knew what the next step was by these guys, and they couldn't tell what the next step was by us, and we were going over these things hour by hour, and, like I said, last night at 5:30 we finally agreed to this definition plus some other changes in the document, and I didn't get a copy of it until just a few minutes ago. Yes, that was our definition by the way, they agreed to the whole definition. They had a definition, but we found it unacceptable.

Chairman Babin: Okay, Johnnie, I want to add to what Perry's saying. The fact that you people have been in constant negotiations, this is fresh in your mind every day because it is a big issue. We all agree this is a very big issue. We as six Commissioners here today have to make a decision based on a lot of information that we're getting for the first time. It's very tough for us to digest in a short period of time on a major issue that's going to affect economically a lot of people; on the flip side of it, probably get a lot of deer hunters mad, okay? So we're up here and we have to take, we take the responsibility for our actions, but that's why I want to continue this discussion. I know you've gone over this point and I would urge every Commissioner if you have any doubt in your mind about any issue, let's bring it up now while we have all parties involved, because I as one do not want to cast a vote without having all the information set forth. And again, we are receiving some of it for the first time and it makes it very difficult.

Mr. Odom: Let me tell you the circumstances that we're in today, today. We got a set of regulations that are adopted that are in effect, that we don't agree upon. Now we got a set of regulations that we do agree upon. So, I mean, the other regulations are in effect today, that's what they are operating on. What we're trying to do and I know we've got a copy here if that's

what you would like to see and we just got that copy 5 minutes before we walked out of the office. But we're trying to go back and change a set of regulations that we've got disagreement in to a set of regulations that we agree to. And in that set of regulations that's in effect today, the date that's in it is the dates that the resolution is asking for. Now, the dates will be in this one but we're not publishing this one until you vote and make it to whatever you vote to. But that's the dilemma we're in, is that we're set with a set of regulations that we're operating under right now that we've got a serious conflict between the two agencies in. And, I know ya'll are in a predicament, the Committee yesterday was in a predicament. Let me tell you, the Committee yesterday had one set and we were three sets past them in the negotiations.

Chairman Babin: You alluded to...I hope you realize the dilemma we are in as well and we are trying to make the best decision possible for everyone.

Mr. Jim Gelpi: Mr. Chairman and members of the Commission, my name is Jim Gelpi and I am attorney for the Department of Agriculture and Forestry. I was before you, I believe, the last time that you met and at that time some matters came up that have been addressed since then that I would like to review with you now if I may.

Chairman Babin: Please do.

Mr. Gelpi: Wildlife and Fisheries indicated that Wildlife and Fisheries would like to have the right to inspect these farms before they are licensed and have the right to object to their license. That was one issue that was granted that is now in the regulations. Wildlife and Fisheries requested the right to have access to these farms after they are licensed and to have full and complete access to the records of the farms after they are licensed. That was issue number 2. That was granted. Wildlife and Fisheries wanted to actually issue the permit that we call the harvesting permit and that was granted. Wildlife and Fisheries requested notice, within 24 hours, before any licensee who would begin any harvest. That was granted. That was another one of the issues. There was a grandfather clause that you may recall that we discussed, and I believe Mr. Chairman I called you the next day and advised you I had misspoken about the nature of that clause, and that grandfather clause has been revoked. It related to the fencing and it related to the removal of the wild deer. Wildlife and Fisheries indicated concern that they wanted to be able to inspect the farm and make sure that all of the wild deer were removed before the facility was licensed. That was granted. That's in the regulations. Wildlife and Fisheries wanted to provide that if anyone operating any of these facilities violated Title 56, which is the Title that you enforce, that that person would be subject to the loss of their license. That was granted.

That's in the regulation. And finally, Mr. Chairman and members of the Commission, it was indicated by the staff that Wildlife and Fisheries wanted the Department to have you review the dates. As you know the Department felt it could set its own dates and did so, but wanted us to come here and that's why we're here today because we agreed to come here today. And those are the issues that were raised and those are the issues that are resolved. Now in addition to those there are a number of others that relate to the verbiage and how we worded it that mostly the lawyers kind of went back and forth on and we reached accommodation on all of those as well. But these were the principal issues the last time I was here and everyone of them has been resolved except the one that's in front of you right now. I should say also they were resolved in favor of Wildlife and Fisheries, every one of them.

Chairman Babin: Well Mr. Gelpi, if you would stay up there just a second, I appreciate you going over each one of those points. I think you know my main sticking point on this whole situation - if not, I'm going to tell you is - because Department of Agriculture did formulate these rules, this is one Department of government and this is another Department of government so we have a constitutional issue. I think ya'll have resolved the majority of that, you are coming forth before the Commission to ask for a season. I don't think any Commissioner here has a problem with setting these seasons because they do coincide with seasons in the State of Louisiana. My problem and I'll voice it as one person being on the Commission, I have a problem of granting something different for that particular farm when in fact it is not the same for the rest of the State. I happen to believe and I will vote accordingly that what is good for the rest of the State should also be good within that particular area. We are not denying any hunting, we're just saying you have to adhere - at least I'm just saying that you have to adhere - to what the Department of Wildlife and Fisheries has set forth for every hunter in the State of Louisiana. That's my opinion on it. That's new for today and that is a big issue in my opinion.

Mr. Gelpi: Mr. Chairman, let me just point out that on October 1st, should you grant these dates, the season maybe will begin, but will begin not involving any wildlife of this State, and that is distinctly different than what will occur in November.

Chairman Babin: I realize that and I think we all realize that it does not and that's probably the real sticking issue here, okay, because as I see it its not going to stop here, its going to go on further. Again, I'm voicing my opinion as to what I've read and what I've seen and what I've heard. Why would we not have a, would the Department of Agriculture have a big problem in us saying, we agree to these dates, but for this year except for these two people that are already permitted, we want any new permitting to abide by the same hunting regulations as the rest of the State.

Mr. Odom: Yes, 'I...

Chairman Babin: For the first year.

Mr. Odom: I have a problem, now I don't have a problem with us doing it the first year and looking at it the second year. But we have negotiated and given and given and given, and both they have given too, and we have come down to something that we agree with. And what I don't want to do and I want ya'll to set the dates but what I don't want to do is revert back to what I have got. That's what I don't want to do. And I believe that we can work this out during this year, if there's some problems with that, then I believe that we both can come back here to you and establish a date that's better in relation to what you want. And I don't see it, you know, if we were talking of a hundred or 200 or 300 people, I don't see that. Ten is the most. I think we're talking a few people. Its been a tough battle to get us to this point and I understand the position you're in, the exact same position the legislature was in, but you got to realize that I'm in another position and we've been negotiating and trying to find that middle ground and that ...(Second tape) I'll commit to you right now that I'll be back here along with Johnnie or in trying to make it comply with what you think will make it work.

Chairman Babin: Okay, Johnnie and then I want to ask Hugh Bateman a question, maybe he can ...

Mr. Tarver: Well Mr. Bateman just pointed out to me that the deer season dates that are operational at this point are 152 days long, from October 1st when you start using a bow and you loose 50 days in this process if you take the gun shooting away outside of the framework that we're talking about. So the hunters or the farmers would loose 50 days in this process and that may be of some concern to them. I just thought you would need to have that information.

Chairman Babin: That was my question, okay, in those 50 days, how many permits are we talking about here, Commissioner Odom?

Mr. Odom: How many ...

Chairman Babin: In other words we have two, we have two deer farms set up, how many harvesting permits do those two deer farms have?

Mr. Odom: We don't limit the harvesting permits to those deer farms because again whatever he feels he needs to harvest in order to make that balance is what he needs to harvest. It's not like, again, in the wild where you're dependent on the reproduction. You're dependent on the reproduction based on farming techniques and what he buys and puts back in there. So, we did not and nor did they ask that we eliminate or restrict the amount of permits.

What he gets is a book of permits that he buys and pays for up front and then he has to fill those out as he kills the deer.

Chairman Babin: Do you have any idea - and I know this probably a very tough question to answer - but do you have any idea from an economic standpoint, what those two permitted farms would lose in 50 days by having to hunt the bow versus the rifle.

Mr. Odom: Well he's not going to get the hunters with a bow.

Chairman Babin: We can be absolutely sure of that?

Mr. Odom: That's what they tell me so I assuming... They - what they do and you know in other places too - they have a board meeting; they come in; they hunt under that purview and they meet during the day. And that's the way to do it. Most of those people that are going to be coming to those things, probably never shot a bow in their life.

Commissioner Gattle: I - let me just say, Commissioner Odom - I think bowhunting is a very popular sport in this State. A lot of people hunt deer with a bow, I mean, I think, and from what little I know about these type of areas in other states, bowhunting is very popular there also, and those people who owns those compounds get quite a few hunters that are bowhunters. I might suggest that, I guess in speaking my opinion just a little bit here that I would think in this hunting, in the hunting seasons that have been suggested I might agree to the exotics for the full year. I might agree that the farm raised white-tailed deer though from October 1st to January 31st might conform to the hunting regulations that are in place during that period of time in that particular area for white-tailed deer, and ...

Mr. Odom: One other thing and I just want to make sure we understand, that we have no deal on the regulations. I mean this is worked out negotiable that I want to adopt this afternoon ya'll. I'm going to then operate and I'm not saying this any other way because the Governor and I have had this conversation, he wants us to work it out and that's why we worked so hard on making sure they got compliance. The other regulations is in effect today, they are in effect. So, what we want to do this afternoon is to adopt these regulations that we've agreed upon and I know you're in a heck of a position. And its ...

Commissioner Gisclair: I don't get that what you just said, and I guess, maybe I'm going to read this wrong, but what you just said is in fact that if we go follow the rules the way they are the regulations, you're saying everything is off the table is what you're saying? I mean you're going under your regs and everything is off the table.

Mr. Odom: That's right, that's everything is off the table. That's the agreement that we had in working this thing out is that we could work it out uniformly together. That takes everything off the table that we've agreed to, and we don't want to do that. We think that Wildlife and Fisheries needs to be an integral part of this thing and again, my commitment to you, my commitment is that if there is a problem I will come back here next year and we will work that problem out along with Wildlife and Fisheries. I will commitment that to you right now.

Commissioner Gisclair: Can you wait until our next meeting?

Mr. Odom: No, I can't because its in effect right now. I mean we had to have some agreement on that guy that's hunting yesterday. I mean he's licensed, he's done everything that he's supposed to. Wildlife and Fisheries went look at it, we've got to have some kind of understanding to that aspect of the thing while we were working through this process. And the Governor and I sat down, the Governor and I had a little meeting last week and says work it out. I told Bud and he told Johnnie, work it out and that's exactly where we got. We got here by setting down and negotiating.

Chairman Babin: Commissioner Odom ...

Commissioner Cormier: Johnnie?

Chairman Babin: ... Hold on just a second, maybe I'm not a very good negotiator, but this legislation was passed two years ago and now all of a sudden at the eleventh hour we are asked to make a decision, and I'm not only talking about Agriculture here, I'm talking about Wildlife and Fisheries. Why have not we been negotiating this sooner, did it not in fact when we passed the legislation, passed the, our notice last month to stop the importation of white-tailed deer, maybe that got things moving a little bit?

Mr. Odom: No, we started working on this ya'll probably April of last year. We started working on it in April and you know why it got worked out? Who was involved?

Commissioner Gisclair: Who?

Mr. Odom: The Governor asked us to work it out. That's why we sat down and...because we wanted to do what was in the best interest of the state. Ya'll, the worst thing that can happen and let's, the worst thing that can happen is we have two different agreements, we go out under one circumstances, Wildlife and Fisheries go out there under another circumstance, here comes a big executives in this State and we arrest them or we do something for them, what does it do to the tarnish of this State? That's why we want to be together, and we're down to this one issue to be together for this year and there may be some other changes that we

got to make. I don't know that, it may be something else in here that as we go along that we see that is going to work together better. And look, this is not the first time we've worked together, I can go back on enforcement issues that we had in seafood, we've had in crawfish, we've had in some other things and we were able to sit down and work and make sure that we worked together on and for the betterment. But I'm in a predicament. You're in a predicament. The Wildlife and Fisheries is in a predicament and we got it negotiated to where we can live with it this year.

Chairman Babin: This issue that I'm raising, was that at all involved in the discussion, the issue of allowing hunting in the area but allowing what was going on outside, for the inside to be the same as the outside, was that ever brought up in the discussions?

Mr. Odom: The negotiations was on the date, the negotiations was to allow you to establish the date which we put into the regulation with some understanding, not because you are a separate, you make your own decisions, we want to thoroughly understand that, but with the understanding of the encouragement that you would go along with us this year. That was talked about. The first year.

An Unidentified speaker: Can I make a statement?

Chairman Babin: Yes sir.

An Unidentified Speaker: I disagree with him because what's he going to do with them 52 days he's stopping the average man that hunts in Louisiana out of hunting. I don't agree with him, he's just taking care of the rich man. The hell with the poor man!

Chairman Babin: Okay, thank you sir. Mr. Cormier?

Commissioner Cormier: Mr. Chairman, can I ask Johnnie, Johnnie Tarver? I just want to go over something and make sure it's clear in my mind. I've got three points that you brought up and I want to make sure it's clear. The inspection, we will be involved, our enforcement agents will be involved in the inspections prior to and during the licensing of these farms?

Mr. Tarver: Both our biological technicians and our enforcement technicians have free reign to go into these farms before, during and after an operation.

Commissioner Cormier: Also in the enforcement of laws, our agents will be able to enforce the same laws as we do on state property as we do on private property, we will be able....

Mr. Tarver: Title 56. Title 56. Title 56 is tied to the integral part of this whole document. Its mentioned in there probably 25 or 30 times.

Commissioner Cormier: And, during the licensing process, if our agents feel that there is something that comes up, we have the right to put a stamp on it for rejection and have it reviewed. (Unintelligible)

Mr. Tarver: We have the authority not to approve that.

Commissioner Cormier: Right and they can go back and straighten it out, right?

Mr. Tarver: Well yes, they have that option, they can go back and fix it or not do it.

Commissioner Cormier: That's right, but our agents is what I'm saying have that power.

Mr. Tarver: Our agents and our technical staff both.

Commissioner Cormier: One other question and I don't want to start no problem with it but if they import deers, it will be health tested?

Mr. Tarver: What's that, I didn't get the question.

Commissioner Cormier: When you talk about imported deers, it says they give us a 24 hour advance notice, they will be health tested. That was said earlier...

Mr. Tarver: Oh yes, yes.

Commissioner Cormier: And that's a point that I want to make sure is on the record as such.

Mr. Tarver: There is a health testing.

Commissioner Cormier: Procedures and ...

Mr. Tarver: Well there is a section in this document that we agreed to that addresses that.

Commissioner Cormier: Thank you.

Commissioner Hanchey: Mr. Chairman, Mr. Chairman, I would like to have a second.

Chairman Babin: Mr. Hanchey?

Commissioner Hanchey: I don't really see a problem with it, and I would like to move that we adopt the resolution.

Commissioner Cormier: That's a one year?

Commissioner Gisclair: Its every year.

Commissioner Carver: And emergency.

Mr. Puckett: This is listed on the agenda as a discussion item only. It's going to take a 2/3 vote, a motion and a 2/3 vote, to convert it to an action item before you can act on the main motion.

Commissioner Hanchey: All right.

Commissioner Gattle: Wait a minute, excuse me, say that again please? Help me out here a little?

Mr. Puckett: This is listed on the agenda as discussion only. It is not listed as an action item. For you to take action today, it takes a 2/3 vote to put it on the agenda as an action item.

Chairman Babin: Okay.

Mr. Puckett: If you choose to do that by 2/3 vote, then by majority vote, you can approve this resolution or any modification thereof.

Commissioner Hanchey: Then I move to put it on the agenda.

Commissioner Carver: I second.

Chairman Babin: Its been moved and seconded to put this Declaration of Emergency on the agenda item, as an agenda item. All in favor (several ayes). All opposed (two nays). Let's get a roll call vote, Susan.

Mrs. Hawkins: Daniel Babin?

Chairman Babin: Nay.

Mrs. Hawkins: Perry Gisclair?

Commissioner Gisclair: Nay.

Mrs. Hawkins: Tom Gattle?

Commissioner Gattle: Yes.

Mrs. Hawkins: Glynn Carver?

Commissioner Carver: Yes.

Mrs. Hawkins: Joseph Cormier?

Commissioner Cormier: Yes

Mrs. Hawkins: Jerald Hanchey?

Commissioner Hanchey: Yes.

Mrs. Hawkins: The vote is four to two for yes, to have it on the agenda.

Chairman Babin: Which is a 2/3 vote, right? Okay, it is an agenda item. At this time, we will take a 10 minute recess.

(Break in the meeting)

Chairman Babin: ... the long 10 minute recess, there is some points that I think have been worked out and there are some points that probably still need to be worked out. We do need, we do understand the urgency of the Department of Agriculture and what you need to move on and I think you understand our predicament. Is there any Commissioner that has any questions left of Commissioner Odom or from the Department of Wildlife and Fisheries before we move any further, be it legal or biologist, whatever. Do we want any other points clarified or has everything been clarified to everybody's satisfaction?

Commissioner Gisclair: No, Mr. Chairman I'm just going to say one thing. In the discussion we had here today compared to last meeting, I think its apples and oranges. We have been more open in discussion today. I think we have talked about more things that, last meeting people didn't want to talk about and we talked about them today. And Mr. Odom being here today and the timeframe we are in, and I think him and some of his representatives saying that there is still room to work on this that I think we've took one step forward from where we were last time. And I know the time constraints is bad. He's in a situation. We're in a situation. But I just wanted to say, I appreciate him coming here today and being open and everybody was open today and got things off their chest what they wanted to talk about. And I think like I said, I think we talked a little bit more about things than last meeting people said what happened and didn't want to talk about. So I think we have accomplished a lot here today and that's all I want to say, at this time anyway.

Chairman Babin: Commissioner Odom, I have a thought. I have a question to ask. If we delayed action a week, two weeks, called a special meeting of the Commission, how would in fact that impact what has already begun under your procedure act.

Mr. Odom: We are operating a rule that you have no authority in that we would like to have changed, and see we would be

operating under a rule where we set the dates, we do the total thing, Wildlife and Fisheries has no authority in it and we would like for that not to happen.

Commissioner Gattle: Mr. Chairman?

Chairman Babin: Yes, Tom.

Commissioner Gattle: Commissioner Odom, I guess I'm confused, but the authority has been given to the Department of Agriculture on deer farming and I think we're, are we talking about deer hunting or, I think we're talking about deer hunting here. I'm a little confused by the authority I guess and what you're referencing there.

Mr. Odom: Well, we've adopted a set of regulations in which Wildlife and Fisheries doesn't play a part in, that's in effect today....

Commissioner Gattle: That's deer farming.

Mr. Odom: ... And we're operating under today. It is our legal opinion that we have the authority to do that since it is deer farming, and it is also our legal opinion in that if you go back and look at the law and which we don't want it to happen, the law is pretty specific that if you fence a area, those wild became farm raised. We don't want that and that's what we don't want to happen, we want to get those off of there. And so, we're then back to a position in the law that we really don't want to be and don't want to be operating under and we're in a conflict. Then the courts has got to settle it and that's what I don't want to happen. I want to settle it between the two agencies and between us and not have the courts involved in it. And that's the position that we're, somebody could take us to court and said, all right court you rule, and it takes us out of it all together. This puts us together to where that will not happen.

Chairman Babin: Commissioner Odom, again, and I'm trying to reach a compromise I hope you realize that. We talked about 50 days, correct Mr. Bateman?

Mr. Bateman: In that range.

Chairman Babin: All right. So, we're talking about no later than about November 20, I don't have the book in front of me to show when it starts, okay? So we're talking about 48 days left out of the 50. Through your own admission you have two farms already permitted and the possibility of 10 more that could be permitted. There is no way that you could tell us how close those 10 are ready to be open?

Mr. Odom: Some of them, we've already got applications on and what we've done actually, we've been holding up applications because we wanted to see if this was going to work where we could both do the inspections. By us adopting this rule, then Wildlife and Fisheries and I would jointly go in and make the inspection rather than us going in and doing the inspection on it. So we've held some of those up, I can't tell you, I got in one yesterday and I'm not sure that it will meet, there is another one we know that is on the way in. It's no way for me to tell you, all I know and ya'll may need to correct me, how many game breeder licenses are out there, 200 and something?

Mr. Bateman: Its over 150, I don't know.

Mr. Odom: There's over 150 that's already licensed under game breeder license, and I can't tell you how many of those that would come in within the next period of time. I do think, I do think, I do think that we could live with a figure of 10 for this season, I don't think its physically impossible for us to do that inspection between the two of us in this timeframe and I would say that if that came up, what we would do, come back to you if more than that and was legitimate we both felt, come back to you and say can we or can we not include this other one. It's something that you may want to think about.

Chairman Babin: Tom?

Commissioner Gattle: In light of that, I guess, I would, and for the sake of compromises, Chairman Babin has repeatedly told you Commissioner Odom, I would make a motion that we approve the resolution as presented, but add to it a limit of 10 permits for this year and no more.

Mr. Odom: Would you add one other statement, without your approval. That gives us, if somebody just demands to come in and at least they can come back to you and make that appeal.

Commissioner Gattle: Okay, so that, that would be a decision that would be made between Department of Agriculture and Wildlife and Fisheries at the time?

Mr. Odom: Wildlife and Fisheries Commission and Department.

Commissioner Gattle: Yes.

Chairman Babin: The only way it could be amended would be by the Commission, Tom, is what he is saying.

Commissioner Gattle: Okay, then I would alter my motion to include that language.

Chairman Babin: Does everybody understand the motion? Okay, there is a motion on the floor, do I hear a second?

Commissioner Hanchey: I'll second it.

Chairman Babin: Second by Mr. Hanchey. Any public comment?

Mr. Russell Lantier: Yes sir, my name is Russell Lantier, I'm representing the state's Bowhunter Association and my comments will be real brief as they always are. All I would like to say is that what I see here today smells. I don't know how else to say it. I really don't like to see the distinguished members of the Commission being pressured into making a decision as quickly as you are. I know you are uncomfortable with it. I think the sportsmen of Louisiana are going to suffer in the long run from this. I have some real serious ethical concerns about this and the last thing we want to do is get in the middle of an argument between the Department of Wildlife and Fisheries and Agriculture. But I, the bowhunters and the sportsmen of this State have some real serious ethical concerns about them, the size of these different farms and I don't know if that's been addressed. I know you've discussed it earlier. The public is not informed of this, we have no information on this. I really wish there would be some kind of way you guys could wait and delay this and get some input from the public on this. And that's, that's really all I have to say. Thank you very much.

Chairman Babin: Thank you. Any other public comment? Susan, would you read the motion?

Mrs. Hawkins: Mr. Gattle made a motion approving the resolution but adding that 10 permits for this year and no more with the understanding that it could be altered by ya'll, by the Commission.

Chairman Babin: Okay, everybody understands it that Tom is making a motion to accept the Resolution with the exception that we limit it to 10 permits and if that has to be altered, it would come before the Commission and the Commission would decide whether more than 10. And we are talking about this for one year.

Commissioner Odom: Could you...

Chairman Babin: Commissioner Odom?

Mr. Odom: It is a license rather than a permit, could you change it to that just to make it read in accordance to the definition?

Chairman Babin: Language?

Mr. Odom: Language (unintelligible)

Chairman Babin: Don, do you...

Mr. Don Puckett: As the regulations are presently drafted, I believe it refers to it as a harvesting or as a permit. I believe that's correct, yes, the farm gets a facility license.

Chairman Babin: Tom?

Commissioner Gattle: Chairman Babin. Mr. Puckett, we are not altering the decision of this Commission last meeting, we are not doing anything to, to reverse the decision of this Commission last meeting in this resolution to ban the importation of deer at this time?

Mr. Puckett: No sir.

Commissioner Gattle: Okay.

Mr. Puckett: There is one thing you may wish to add to your resolution and that is - it is my duty as your attorney to protect your authority and your jurisdiction - I would suggest that whatever expanded season dates you make today that it be clear for the record that that only be for this year, and that you're not depriving yourselves of the right to look at those dates next year as you may see fit, but I think that should be clear for the record.

Chairman Babin: Yes, I thought Tom had mentioned that when he addressed it that it would be for this year. Correct, in this year only.

Commissioner Carver: When are we going to start the year, October 2nd?

Chairman Babin: Mr. Gisclair?

Commissioner Gisclair: That's a good question.

Commissioner Carver: Does anybody want to answer it?

Chairman Babin: I have no way of answering it.

Commissioner Gattle: I assumed, I guess I assumed it would be correlated to whenever we were going through the hunting seasons and regulations for the coming year that it would also be discussed at that time. I assumed.

Commissioner Gisclair: Well and again, I also thought because of the emphasis on white-tailed deer address the hunting season to the end of, what is it January 31st? And then I was thinking that the 10 permits were up to then is what we were talking about and then as it comes in again, one thing that came out of here today

and I think talking with everybody is that and the gentleman from the Bowhunters Association said different concerns about acreage, I think that is all stuff we can talk about later on down the line, but if we don't, from what I see here, if we don't do this and he goes with his regs, we're out of everything we agreed upon as far as inspection and enforcement and, we're out of that, we're out of that loop. At least we have all of this and we have one thing today that we disagree on and perhaps we can compromise on and then later on if other issues come up, we can talk and have an open dialog back and forth as issues come up and as permits come up because we will be involved in the permit application and the whole system as it is. And our people can report to the Commission and if we have problems, we can address them as they come up. And I would think it would be to January 31st, Glynn.

Commissioner Gattle: Yes, it would be maybe 10 permits would be allowed in this season which is October 1 through January 31st. But, what about exotics? That's, I guess we're talking about 10 permits in total for both white-tailed and exotics.

Mr. Odom: I would think that exotics is another season, so it, if you would limit it to the white-tailed, it would make it, that's the season that's there we're talking about. The season, does everybody agree on exotics ought to be all the year round, that's what everybody tells me. That's what came from the recommendations as far as Wildlife and Fisheries is concerned, so that's their recommendation on it.

Chairman Babin: We, our discussion was on the deer farms that were already permitted. The discussion was primarily centered around white-tailed deer. I actually need legal opinion on this. Is it a separate issue that we need to discuss on exotics? Because we're hung up on October 1st through January 31st. Exotics are year-round and I want to know if in fact we need to take this as a separate issue, if in fact it is the same issue. The same farm is going to do the same.

Mr. Puckett: Well as it is being presented to you, its being presented as one proposition, combined, for the hunting of imported exotic deer and antelope, elk and farm raised white-tailed deer and the declaration contains dates for both classes of animals.

Commissioner Gattle: Is there one permit for both? If you get a permit, its for both exotic and white-tailed?

Chairman Babin: Okay, that clarifies it then. We're talking in terms of the permitting that you made in your motion, we are talking about 10 total permits, not 10 for exotic, not 10 for white-tailed deer. License, excuse me.

Commissioner Gattle: 10 licenses.

Chairman Babin: Permit is so much easier to say. Okay, we have a motion on the floor to accept the Declaration of Emergency, with the exception that we limit to 10 licenses, and that the Wildlife and Fisheries Commission will have the authority to take a look if more licenses are required by the end of the year, and this will go into effect for one year. We will readdress this issue as a Department and a Commission before setting the seasons next year. Is that?

Commissioner Gattle: And that one year, excuse me, Mr. Chairman, but I want to make sure...that one year will go from this point in time until this point in time next year. Correct or incorrect?

Mr. Odom: No, because we are going to need to start licensing and then what they have to understand is that season would be corresponding to whatever season you set. So, we can't not license him, but he can not hunt, it would take care of this season and then you set the season for next year.

Chairman Babin: If he does not have a license, he can not hunt. Correct?

Mr. Odom: One clarification now...

Chairman Babin: So that covers it.

Mr. Odom: Yes, are we talking of white-tailed deer or are we talking of exotics here?

Commissioner Gattle: We can't, we can't separate them, and the point I'm making is we can't separate them because it is one license for both. Now, if we are talking about 10 permits or 10 licenses for white-tailed deer, that license also encompasses exotics. I want us to be clear on our time and I would really like...

Commissioner Gisclair: But if we put January 31st, could we not put them all together? Because I don't think you are going to have 10 of either one before January 31st.

Commissioner Gattle: So the motion is, in your thinking, excuse me, is for, to January 31st there will only be 10 permits issued between now and January 31st, is what ...

Commissioner Gisclair: Correct.

Mr. Odom: But the difference that we face, ya'll, is that the October to January 31st is on the white-tailed deer. The other part of your resolution is that the others is the year-round, exotics is the year-round. So you're not really, you're not really setting a season, you are just saying that you agree that the

exotics ought to be year-round (unintelligible) with your other people. And the only difference is the white-tailed. So you could come in your resolution and say 10 license of white-tailed and that takes care of it as I would understand and then that would, or up to 10 and that would take care of that and that does not get involved in the exotics which is the year-round.

Commissioner Gisclair: I've got one question? Johnnie or Hugh, in this you saying that the permits are for one year, correct? The license? And Mr. Odom, perhaps you can, your licenses are for one year. How does your year run? That's...understand, how does your year run for the permit?

Mr. Odom: Our year runs July to July and the reason behind that is because they need to know if they have a license so they can book hunts and so it runs July to July. January would have been in the middle of it and that's why we didn't run January to January.

Chairman Babin: Okay, one other thing before we take a vote and I need to ask this question. All dialog that has been going on between the Department of Agriculture and the Department of Wildlife and Fisheries, has every other issue that has been raised been discussed and been satisfied or are there still some issues that need to be that may not be as paramount as this?

Mr. Johnnie Tarver: Gentlemen we have been through this thing time and time again. Our attorneys had certain posture on things, the Agriculture attorney had a certain posture on things and in the spirit of compromise, we tried to come to some understanding. The document that we received this morning as I sat down here, we, our attorney has not had a chance to go through thoroughly and even though we agreed to some changes that we made yesterday, and we still have not had a chance to do that, so Don you may want to address that.

Mr. Puckett: I would simply say we had some, we went through this last night, there was some issues that we raised, we had the Wildlife Division, the Enforcement Division jointly we raised a number of issues. The draft that we got back this morning addressed some of those. It did not address others. I don't want to go into all of the details on this nor do I want to block what may be a compromise to go forward here. We simply request that we would be able to have a continuing dialog with Agriculture on some of the issues we raised, and that this final regulation would not be the be-all and the end-all and that we would have continued input into their regulations.

Chairman Babin: Okay.

Commissioner Gisclair: To clarify the other part, would it be appropriate for me to amend his motion to say first to clarify the

year ends January 31st and that the 10 permits apply to white-tailed deer.

Mr. Puckett: If that is the understanding, I missed part of that discussion.

Commissioner Gisclair: I put that in the form to amend the motion.

Mr. Puckett: I need to make sure all of the staff is in agreement on that, we were just talking about that when this came up.

Commissioner Carver: Is that offered in the form of an amendment?

Chairman Babin: Yes it is. All right we have an amendment to Mr. Gattle's motion, do I hear a second?

Commissioner Hanchey: I'll second it.

Mr. Puckett: Excuse me, Mr. Chairman?

Chairman Babin: Yes?

Mr. Puckett: Charlie Clark just had a comment which I can't really respond to. Agriculture maybe or ya'll may have a better understanding, but I want to make sure we are all on the same page.

Lt. Col. Clark: Mr. Chairman, Members of the Commission, the situation as I just heard on the mike by Mr. Odom was that we, you are going to limit your moratorium of 10 permits to white-tailed deer only which will still allow facilities to be built for exotics which will still require us and Agriculture to go out and clear those areas of all white-tailed deer, is that...?

Commissioner Carver: You brought up a subject that has bothered me from the beginning. What's to keep, in this chip in the ear again Mr. Odom, it bothers me a little bit that its done after the deer is killed. I'm not sure that it can be done before, but what would keep a farmer if he, for example, is adjacent to a wildlife reserve area, for example, to drop his fences, put up wing fences and go into that reserve area and drive deer into his enclosure and then fence it back up. That bothers me and I know some people that will do it.

Mr. Odom: He will lose a license.

Commissioner Carver: Okay.

Mr. Odom: That's what he, he's got...

Commissioner Carver: That is if you know about it, anyway.

Mr. Odom: Yes, and it's just like enforcement of anything else, if we don't know it, there's not a lot we can do. But he is taking a chance of losing \$3 or \$400,000 investment because I guarantee you if he did that, I would cancel it and I would feel sure that you would recommend canceling it and he wouldn't have a license no more so, he got a big fence up there that he doesn't have anything that he can make an income on.

Commissioner Carver: That brings another question to my mind is you're talking about canceling a license, is Wildlife and Fisheries going to have, for example, if Enforcement goes in and they see gross violations and things like that, is Wildlife and Fisheries going to have the right to cancel or is it going to be the Department of Agriculture or a combination of both?

Mr. Odom: Well, its got to go through an adjudutory process as the regulations require it and they would have an opportunity for input just like we would. But the law says that that guy has a right to go through an adjudutory process and that right is in the regulation.

Commissioner Carver: Well I understand that, that's with all laws.

Chairman Babin: Okay, we have an amendment that has been, a motion has been made and seconded. All in favor of the amendment, say aye (all responded). All opposed (no response). The amendment carries.

Mr. Odom: Thank ya'll we look forward to working with you.

Chairman Babin: That was on the amendment, okay that was on the motion as amended. We didn't give it away yet. Now there has been a motion and seconded and everybody is aware of the motion as amended. We will take a vote, all in favor, say aye (all responded). All opposed (no response). Motion carries. Now it's done. Thank you Commissioner Odom and everyone on your staff and I do want to make this point known, we want to continue to have an open dialog with the Department of Agriculture. If this as someone pointed out smells, it will be brought out in the press, I'm sure. Let's try and work together to make this work for both departments and the hunters of Louisiana. And we have...we want to keep them in mind in everything we do, and I hope they understood what we did today is we didn't give you everything and you didn't give us everything and we want to continue the work. If things do come up again, let's please do it in advance so we don't have to get hit with it at the last minute. Thank you very much. Now, let's move down to item number 7.

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

OCTOBER 2, 1997

**DANIEL BABIN
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the
Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808
For more information, call (504) 765-2806

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
OCTOBER 2, 1997

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, October 2, 1997

Chairman Daniel Babin presiding.

Jerald Hanchey
Glynn Carver
Perry Gisclair
Joseph Cormier
Tom Gattle

Commissioner Norman McCall was absent from the meeting.

Deputy Secretary Clyde Kimball was also present.

Chairman Babin called for a motion for approval of the **September 4, 1997 Commission Minutes**. A motion for approval was made by Commissioner Carver and seconded by Commissioner Cormier. The motion passed with no opposition.

Mr. David Lavergne handled the next three items together, **Declaration of Emergency & Notice of Intent - Proof of Income for Spotted Seatrout Management Measures, Declaration of Emergency & Notice of Intent - Proof of Income for Harvest of Mullet and Declaration of Emergency & Notice of Intent - Proof of Income for Saltwater Rod & Reel Commercial License**. The only acceptable method to approve income eligibility was for an applicant to obtain a certified copy of his IRS income tax return. Some fishermen have had a difficult time in obtaining these returns and the Department wanted to provide them with additional alternative methods. The two additional methods were obtaining an IRS stamped transcript along with a copy of the applicant's income tax return or a copy of the federal tax return that has been filed at the local IRS office and stamped received. All fishermen applying for a spotted seatrout or mullet permit or rod and reel license have applied for a certified copy of their returns but some have not received them. Transcripts for those fishermen that have not received their certified tax returns have been received and the fishermen should be able to get their licenses. Chairman Babin asked how the eligibility was accomplished last year? Mr. Lavergne stated Undersecretary Prejean made the staff make sure all fishermen had applied for an IRS certified copy. The fishermen had to show a copy of their W-2's to determine if over 50 percent of the income was derived by fishing. Chairman Babin asked if these new methods would allow for more fishermen and would impact the fishery? Mr. Lavergne answered no. Chairman Babin then asked if the Commission needed to vote on one method or all three methods? Mr. Lavergne explained the Department has accepted all three methods from the

fishermen. Commissioner Gattle reiterated that the qualifications remained the same and it was the means of proof that changed. Chairman Babin stated this was to speed up the process for the fishermen to obtain their licenses. Commissioner Gisclair asked if items 3, 4 and 5 could be taken together? Mr. Don Puckett stated the Commission could make one oral motion to approve all three. Commissioner Gisclair made a motion to approve all three Declarations of Emergency and Notices of Intent. Commissioner Hanchey seconded the motion and it passed with no opposition.

(The full text of the Declarations of Emergency and Notices of Intent is made a part of the record.)

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Currently, under Title 76, the only acceptable method an applicant can use to provide proof of income eligibility when applying for a spotted seatrout permit is a certified Internal Revenue Service (IRS) copy of his federal income tax return. Many fishermen are having difficulties in obtaining a certified copy of their federal tax returns and have received letters from the IRS stating that their returns are unavailable at this time. As a result of this, the commission has adopted additional acceptable alternative methods to prove income eligibility. These include: an IRS stamped transcript along with a copy of the applicant's income tax returns, or a copy of the applicant's federal income tax return that has been filed at the local IRS office and stamped received. Both additional methods also require a signed IRS cover letter certifying that the information attached reflects or is a copy of the original federal tax return filed by the applicant.

A declaration of emergency is necessary, since the spotted seatrout season is scheduled to begin the third Monday of November and there is insufficient time to adopt this change through the normal process of the Administrative Procedure Act.

This declaration of emergency shall become effective October 2, 1997 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§341. Spotted Seatrout Management Measures

A. Commercial Season; Quota; Permits

* * *

4. Permits

* * *

b. No person shall be issued a license or permit for the commercial taking of spotted seatrout unless that person meets all of the following requirements:

i. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

ii. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below.

(a). Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS).

(b). Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS.

(c). Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices.

iii. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:325.3 D(1)(b).

iv. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

v. The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

c. No person shall receive more than one permit or license to commercially take spotted seatrout.

d. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take spotted seatrout and shall be forever barred from receiving any permit or license to commercially take spotted seatrout.

5. Each Spotted Seatrout Permit holder shall, on or before the 10th of each month of the open season, submit an information return to the department on forms provided or approved for this purpose, including the pounds of spotted seatrout taken commercially during the preceding month, and the commercial dealers to whom these were sold, if sold. Monthly reports shall be filed, even if catch or effort is zero.

* * *

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR .

Daniel J. Babin
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby announces its intent to amend the rule for proof of income for spotted seatrout.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§341. Spotted Seatrout Management Measures

A. Commercial Season; Quota; Permits

* * *

4. Permits

* * *

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* * *

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HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to David Lavergne, Socioeconomic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, December 4, 1997.

Daniel J. Babin
Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Currently, under LAC 76, the only acceptable method an applicant can use to provide proof of income eligibility when applying for a mullet permit is a certified Internal Revenue Service (IRS) copy of his federal income tax return. Many fishermen are having difficulties in obtaining a certified copy of their federal tax returns and have received letters from the IRS stating that their returns are unavailable at this time. As a result of this, the commission has adopted additional acceptable alternative methods to prove income eligibility. These include: an IRS stamped transcript along with a copy of the applicant's income tax returns, or a copy of the applicant's federal income tax returns that has been filed at the local IRS and stamped received. Both additional methods also require a signed IRS cover letter certifying that the information attached reflects or is a copy of the original federal tax return filed by the applicant.

A declaration of emergency is necessary, since the mullet season is scheduled to begin the third Monday of October and there is insufficient time to adopt this change through the normal process of the Administrative Procedure Act.

This declaration of emergency shall become effective October 2, 1997 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§343. Rules for Harvest of Mullet

* * *

E. Permits

* * *

2. No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994 and 1993.

b. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of

seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below.

i. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS).

ii. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS.

iii. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices.

c. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:333D(1)(b).

d. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:325.1, 56:333 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992) amended LR 21:37 (January 1995), LR 22:236 (March 1996), LR .

Daniel J. Babin
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby announces its intent to amend the rule relative to proof of income for the harvest of mullet.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§343. Rules for Harvest of Mullet

* * *

E. Permits

* * *

2. No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994 and 1993.

b. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below.

i. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS).

ii. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS.

iii. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS

stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices.

c. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:333D(1)(b).

d. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:325.1, 56:333 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992) amended LR 21:37 (January 1995), LR 22:236 (March 1996), LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to David Lavergne, Socioeconomic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, December 4, 1997.

Daniel J. Babin
Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Currently, under Title 76, the only acceptable method an applicant can use to provide proof of income eligibility when applying for a rod and reel license is a certified Internal Revenue Service (IRS) copy of his federal income tax return. Many fishermen are having difficulties in obtaining a certified copy of their federal tax returns and have received letters from the IRS stating that their returns are unavailable at this time. As a result of this, the commission has adopted additional acceptable alternative methods to prove income eligibility. These include: an IRS stamped transcript along with a copy of the applicant's income

tax return, or a copy of the applicant's federal income tax returns that has been filed at the local IRS and stamped received. Both additional methods also require a signed IRS cover letter certifying that the information attached reflects or is a copy of the original federal tax return filed by the applicant. In addition, both methods require a copy of the applicant's state income tax return or a notarized affidavit by the applicant stating that he was not required to file a state return for that year.

A declaration of emergency is necessary, since the rod and reel is the only gear that can be used to commercially harvest spotted seatrout beginning on the third Monday of November and there is insufficient time to adopt this change through the normal process of the Administrative Procedure Act.

This declaration of emergency shall become effective October 2, 1997 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fishing and Other Aquatic Life

Chapter 4. License & License Fees

§405. Saltwater Commercial Rod and Reel License; Proof of Income

A. Each applicant shall have derived more than 50 percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

B. Proof of such income for at least two of the three years 1995, 1994, and 1993 shall be provided by the applicant using any of the methods listed below.

1. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS) and a copy of his state tax returns provided applicant was required to file.

2. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS and a copy of his state tax returns provided applicant was required to file.

3. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter and a copy of his state tax returns provided applicant was required to file. Transcripts are available at local IRS offices.

C. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:305B(14)(b).

D. If the applicant was not required to file a state tax return, the applicant shall provide a notarized affidavit certifying that he was not required to file a state tax return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:13.1.D.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:237 (March 1996), amended LR .

Daniel J. Babin
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby announces its intent to amend the rule relative to proof of income for the saltwater commercial rod and reel license.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fishing and Other Aquatic Life

Chapter 4. License & License Fees

§405. Saltwater Commercial Rod and Reel License; Proof of Income

A. Each applicant shall have derived more than 50 percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

B. Proof of such income for at least two of the three years 1995, 1994, and 1993 shall be provided by the applicant using any of the methods listed below.

1. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS) and a copy of his state tax returns provided applicant was required to file.

2. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS and a copy of his state tax returns provided applicant was required to file.

3. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter and a copy of his state tax returns provided applicant was required to file. Transcripts are available at local IRS offices.

C. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:305B(14)(b).

D. If the applicant was not required to file a state tax return, the applicant shall provide a notarized affidavit certifying that he was not required to file a state tax return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:13.1.D.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:237 (March 1996), amended LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to David Lavergne, Socioeconomic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, December 4, 1997.

Daniel J. Babin

Chairman

Discussion of Setting a White-Tailed Deer Hunting Season on Deer Farms began with Deputy Secretary Clyde Kimball announcing the Commissioner of Agriculture, Mr. Bob Odom, was available to answer any questions and explain the intentions of his Department. But he then stated the Department was still in the process of working with the Department of Agriculture at the direction of the Governor. The Governor has also made it known to both Departments that the matter of hunting would fall under the purview of the Wildlife and Fisheries Commission. Also, the Governor has recommended the Commission go along with the expanded hunting season for this year only, stated Deputy Secretary Kimball. Mr. Bob Odom stated Mr. Johnnie Tarver and Mr. Bud Courson have been working on a compromise per the instructions of Mr. Odom and the Governor. Some of the agreements made included both agencies making sure all of the wild deer were removed from the farms and that both agencies jointly enforce the regulations. He asked the Commission to go along with the recommendations made by the Department of Agriculture. Mr. Odom stated his agency was in a position to adopt the new regulations in accordance with the Administrative Procedure Act with an emergency rule followed by a permanent rule. Commissioner Gisclair asked how many permits have been issued, how many are pending, and what stages are some permits in? Mr. Odom stated they have issued 2 permits with 10 permits pending. Commissioner Gisclair asked if Mr. Odom could tell him how many permits would be operational by the end of the season? Mr. Odom stated it depended on how many requests came in. Then Commissioner Gisclair asked how many acres would be tied up that people are hunting on now that they would not be able to hunt on in the future? Mr. Odom felt there were no acres being hunted now that are not already fenced. Most of the people involved in this activity were licensed by the Department of Wildlife and Fisheries as a game breeder and are now moving to deer farming. Mr. Odom stated, from his meeting with the Legislature, they were more interested in setting a minimum acreage to ensure there would be a fair hunt and not just a kill. Any farmer can fence his own property and no one could do anything about it, stated Mr. Odom. Commissioner Gisclair then asked for someone from the Department of Wildlife and Fisheries to come up and clarify what has been worked out. Chairman Babin asked what was the difference between the definition of farming and hunting on private property. Mr. Odom stated they call it harvesting and the key difference is that the domestic deer is removed from the private property. Chairman Babin asked if the intent of the bill was not to create a farm to raise deer to place in other areas, but to raise deer to sell as a hunt. Mr. Odom stated no.

Mr. Johnnie Tarver stated there were some very contentious issues that needed to be addressed such as enforcement authority, and the ability to prove that all the wild deer have been removed. The Department of Wildlife and Fisheries and Wildlife and Fisheries

Commission have been incorporated into the Department of Agriculture's rule where appropriate, stated Mr. Tarver. Other agreements reached included a new set of definitions, the fact that the Commission has the only authority to set seasons, inspection of the farms as they are being constructed, notification of deer being imported into the State, the ability to cite violators and, if necessary, the right to reject an area. Mr. Tarver felt there would probably be questions that needed answers, but no one could answer now. The staff will continue to work with the Department of Agriculture and hopefully solve most of the problems as they come up. Commissioner Carver stated, at the last Commission Meeting a resolution was passed banning the importation of deer. Then he asked Mr. Tarver if he was asking the Commission to repeal that resolution? Mr. Tarver stated that had nothing to do with today's discussion, that all avenues had to be considered. Then Commissioner Carver asked if the resolution presented at the October meeting would take precedence over the one passed at the September Meeting? Mr. Tarver explained to Commissioner Carver the reason why he was not informed of any meetings or outcomes from the negotiations. Mr. Odom assured the Commissioners that every deer that comes into the State would be chipped and would be accompanied by a Health Certificate. Commissioner Gattle asked if there have been deer imported into Louisiana prior to the September resolution and are those individuals hunting now hunting wild deer and not farm raised? Mr. Odom stated hunters were hunting farm raised deer obtained from different game breeder farms in the State. Commissioner Gattle then asked if the seed for the farms came from wild deer? He also asked if the farm in operation on October 1 was hunting for white-tailed deer or exotics. Mr. Odom stated it was white-tailed deer that were bought from a farm previously licensed by the Department of Wildlife and Fisheries. Commissioner Gattle asked Mr. Tarver if the two established farms have been inspected by the Department of Wildlife and Fisheries? Mr. Tarver stated there was no provision to inspect the farms at the time of operation, but enforcement agents and technical staff were recently sent to one of the farms for inspection. Commissioner Gattle asked if joint inspections would occur from this point on? Mr. Tarver stated as soon as the emergency rule that was agreed upon was put into place, joint inspections would occur. He assured the Commission that any possible questions or incidences would be worked out between the two agencies. Mr. Odom stated the two agencies were committed to work together. Commissioner Gisclair asked both agencies, if the resolution at the October meeting was passed, would the ban on importation of deer stay on? Mr. Odom stated it was the Department of Agriculture's feeling that the ban on importing farm raised deer would be removed. Mr. Tarver stated the resolution to be voted on only sets the opening and closing dates for hunting and has nothing to do with importation of deer. Mr. Don Puckett stated the resolution only sets the seasons for hunting of farm raised deer and does not repeal the ban on importation of deer passed last month. Commissioner Carver asked how many antelope and elk farms are there in the State? Mr. Odom

stated there are no antelope farms, but there are a few elk farms in the State. Then he stated that the Department of Agriculture could not allow any animals to come into the State that could possibly affect domestic herds. Chairman Babin asked where does a deer farm end up if the Commission does not repeal the importation ban? Mr. Odom stated there are a number of deer farms in the State that are supplying deer, but eventually the ban would need to be addressed. Commissioner Gattle recapped by stating the Commission was only voting for hunting season dates and not addressing the issue of importation since there is enough stock that is being supplied to the hunting farms to sustain whatever hunting may occur. Mr. Odom stated there was another side to this issue and that was some farms are raising these animals for consumption. Mr. Tarver advised that he asked Mr. Odom and his staff to come to the meeting ready to discuss the importation issue and it could be addressed later on in the meeting.

Chairman Babin asked Mr. Odom what problem did the Department of Agriculture have with abiding by the same regulations as every other hunter? Mr. Odom explained how much money has been spent to develop this farm and the types of people that would be hunting there. Then Chairman Babin asked if it was not more of a sport to shoot with a bow and arrow as compared to a rifle? Mr. Odom stated the corporate executives do not want to hunt with a bow and arrow. Also, he stated these hunts create a good tourist attraction for Louisiana. Commissioner Gattle asked about the hunting season dates for exotics and white-tailed deer and what were the fees associated with the program? Mr. Odom stated there was a \$50 permit fee from the Department of Agriculture and then a \$50 fee charged by the Department of Wildlife and Fisheries per hunter (which the Department of Agriculture gets 50 percent of) and a \$5 tag fee for each animal. After the animal is harvested, it would be chipped, if not already done, and a tag would be placed on the left ear so both agencies would know which farm the animal came from. Commissioner Carver asked if the chip would be put in the animal after it was harvested? Mr. Odom stated if the animal is moved in commerce it has to be chipped and that both agencies would be notified. Then Commissioner Carver asked if the exotics shed their antlers? Mr. Hugh Bateman stated the exotics have horns instead of an annually grown antler. Chairman Babin asked if a hunter using a bow and arrow and not wearing hunter orange outside a farm would be in jeopardy if there was a hunter inside a farm using a rifle? Mr. Odom answered by asking, what's the difference if one hunter does not know there is another hunter outside that farm. The owner of the farms have to be responsible for the hunters safety.

Commissioner Gisclair asked Mr. Tarver what definitions did they have problems with? Mr. Tarver stated it was on harvesting, then he read the agreed upon definition for the Commission. Going on, Commissioner Gisclair stated there were issues raised at the last meeting and they had no idea how these were resolved.

Chairman Babin stated the staff has been in constant negotiations and they as Commissioners were having to make decisions on a major issue that they were receiving new information on. Then he urged each Commissioner to bring up any issue that they may be uncertain about since both sides involved are available. Mr. Odom explained there was a set of regulations in place that Wildlife and Fisheries was not in agreement with and they were trying to change them to a set of regulations that were agreeable for both sides. Mr. Jim Gelpi, attorney for the Department of Agriculture and Forestry, went over several of the issues that have been addressed since the last meeting. The first issue, which is now in the regulations, pertained to the Department of Wildlife and Fisheries' request to inspect the farms and to object to a license. The second issue, which was also granted, was the right to have access to the farms after licensed and access to their records. The issuance of permits and the notification before any licensee began harvesting, were two more issues raised by the Department of Wildlife and Fisheries that were also granted. The grandfather clause mentioned last month has been revoked. Other issues granted included the inspection of farms and making sure all of the wild deer were removed, provide that any violations of Title 56 would be subject to the loss of the farm's license, and to provide the Commission the opportunity to review the hunting season dates. Mr. Gelpi concluded stating all of the issues, except for the hunting season dates, were resolved in favor of the Department of Wildlife and Fisheries. Chairman Babin thanked Mr. Gelpi for going over the issues. Then he stated, in his opinion, he had a problem granting a season for the farms which was different from the rest of the State. Mr. Gelpi reminded the Chairman that the season opening of October 1 for hunting on the farms would not involve any wildlife. Chairman Babin asked if the Department of Agriculture would object to setting the hunting seasons for this first year along the same lines as those outside the farms except for the two permits already issued. Mr. Odom stated he does have a problem with that proposal. He then stated he believed it could be worked during this year and if problems occurred, then the dates could be adjusted. Mr. Tarver stated hunters have 152 days to deer hunt, but the farmers would loose 52 days if gun shooting was removed outside the framework. Chairman Babin asked how many harvesting permits are involved? Mr. Odom stated there is no limit to the number of harvesting permits a farmer can issue. Chairman Babin asked Mr. Odom if he had any idea what those two permitted farms would lose in 50 days from an economic standpoint. Mr. Odom stated there would be no hunters that would use a bow and arrow. Commissioner Gattle felt bowhunting was a very popular sport in this State. He then stated, in his opinion, he would agree to the full year season for exotics, and that the farm raised white-tailed deer should conform to the hunting regulations that are already in place for that area. Mr. Odom stated if this would occur, there would be no deal on the new set of regulations. Commissioner Gisclair asked, if the Commission set the dates to follow the hunting seasons as they are now, then everything would be off the table? Mr. Odom answered yes, but they

did not want to do that. He then committed that if a problem occurred this year, he would be back next year to work out that problem. Commissioner Gisclair asked Mr. Odom if they could wait until the next meeting, to which Mr. Odom answered no. Chairman Babin asked why there have been no negotiations before now? Mr. Odom stated the Governor got involved and asked that it be worked out to the best interest of the State. Chairman Babin asked if the different hunting season dates was ever discussed? Mr. Odom stated they did discuss it and granted the Commission the authority to set the season dates with the understanding the Commission would go along with the October 1 - January 31 season dates for this year.

An Unidentified Speaker stated he disagreed with Mr. Odom and that he was only looking out for the rich man.

Commissioner Cormier asked Mr. Tarver if the enforcement agents would be involved prior to and during the licensing of the farms and would they be able to enforce the laws as they do on state-owned lands? Also, he asked if the agents and technical staff had the right to reject a farm and would the imported deer be health tested? Mr. Tarver answered yes. Commissioner Hanchey stated he had no problem with the dates and moved that the Commission adopt the resolution. Mr. Don Puckett stated the item on the agenda was listed as discussion only and there needed to be a motion and 2/3 majority vote to convert it to an action item. Commissioner Hanchey made a motion to add the item as an action item. Commissioner Carver seconded the motion and it passed with opposition from Commissioner Gisclair and Chairman Babin. Chairman Babin then called for a break in the meeting.

Reconvening from the break, Chairman Babin stated he understood the sense of urgency on the part of the Department of Agriculture. He then asked if any Commissioner had any further questions? Commissioner Gisclair stated the discussion today had been more open than the last meeting and he appreciated the fact that Mr. Odom came to the meeting. Chairman Babin asked Mr. Odom how would delaying action by the Commission one to two weeks impact his rule? Mr. Odom stated the regulations in effect at that point did not allow Wildlife and Fisheries to have any authority. Commissioner Gattle stated he was confused by the authority Mr. Odom was referencing. Chairman Babin asked Mr. Odom if he could tell the Commission how close the 10 applicants were to being permitted? Mr. Odom stated he had no way of knowing. He then announced the Department of Agriculture could limit the permits to 10 for this season, with the understanding they could come back to the Commission with additional requests. Commissioner Gattle made a motion approving the resolution as presented but adding a limit of 10 permits for this year without the Commission's approval. Commissioner Hanchey seconded the motion. Chairman Babin opened the meeting for public comments.

Mr. Russell Lantier, representing the State Bowhunter's Association, stated what he sees "smells". He had serious ethical concerns on the size of the different farms. Mr. Lantier asked the Commission to delay taking action and get public input on the matter.

Chairman Babin restated the motion. Mr. Odom asked that the word "permit" be replaced with "license" to read in accordance to their language. Mr. Puckett stated the regulations refer to the farms as needing a facility license. Commissioner Gattle asked Mr. Puckett if the resolution was altering the decision made at the last meeting on the ban of importing deer? Mr. Puckett answered no. He then requested the words "for this year" be included in the resolution so the Commission could look at the season dates next year. Commissioner Carver asked when would the season start? Commissioner Gisclair thought the white-tailed deer season would extend to January 31 with there only being 10 permits issued during that timeframe. Commissioner Gattle also felt there would be a total of 10 permits for the season October 1 through January 31. But he asked if the 10 would include both white-tailed and exotics. Mr. Odom felt the 10 permit limit should only be for white-tailed deer and the season dates for exotics should be year-round. Chairman Babin asked if exotics was a separate issue from the white-tailed deer. Mr. Puckett stated the Declaration of Emergency contained dates for both exotics and white-tailed deer. Commissioner Gattle asked if there was one permit for both? Chairman Babin restated the motion and added that the Commission would reconsider the issue before setting seasons next year. Mr. Odom asked if the 10 permit limit was for white-tailed deer or exotics. Discussion continued on the issue of a total of 10 permits issued. Commissioner Gisclair asked Mr. Odom how does his year run? Mr. Odom stated licenses were issued from July to July. Chairman Babin asked if there were any other issues that needed to be discussed and resolved? Mr. Tarver stated the attorney's had not had a chance to review the set of regulations received before the meeting. Mr. Puckett stated the regulations received addressed some issues but not all of them, but he requested continuing dialog with the Department of Agriculture. Commissioner Gisclair asked if it would be appropriate to amend Commissioner Gattle's motion to clarify the season dates would extend to January 31 and the 10 permit limit would apply to white-tailed deer? This motion was seconded by Commissioner Hanchey. Lt. Col. Charlie Clark asked if the areas being built for exotic hunting would still need to be cleared of white-tailed deer? Commissioner Carver asked what would keep a farmer from dropping his fence and going onto a wildlife management area and driving deer onto his land and then rebuilding his fence? Mr. Odom stated that farmer would loose his license. Then Commissioner Carver asked if the Department of Wildlife and Fisheries would have the right to cancel a license? The motion for the amendment passed with no opposition. Then Chairman Babin asked for a vote on the motion as amended and it also passed with no

opposition. He thanked Mr. Odom and his staff and requested continuing dialog between the two agencies.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
October 2, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, October 2, 1997.

WHEREAS, the Louisiana Department of Agriculture and Forestry (LDAF) has developed and begun the process of rule making for hunting of imported exotic deer and antelope, elk and farm raised white-tailed deer, and

WHEREAS, these rules will allow for the raising, propagation, and hunting of imported exotic deer and antelope, elk, and farm raised white-tailed deer within the confines of pens specified by LDAF rules and regulations and approved by the Louisiana Department of Wildlife and Fisheries, and

WHEREAS, the authority to establish hunting seasons has been vested with the Louisiana Wildlife and Fisheries Commission exclusively, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has agreed to the attached Declaration of Emergency that includes season dates, legal methods of take and shooting hours, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission adopts the attached Declaration of Emergency to establish hunting seasons on imported exotic deer and antelope, elk and farm raised white-tailed deer, and

BE IT FURTHER RESOLVED, that formal rule making processes will be implemented to make this Declaration of Emergency a permanent rule that will be effective beyond the 120 days established by this Declaration of Emergency.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy Secretary
La. Department of Wildlife &
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and 967 of the Administrative Procedure Act, and under authority of Louisiana Constitution, Article IX, Section 7, Louisiana R.S. 36:601 et seq., and Louisiana R.S. 56:115, 171 et seq., and 651 et seq., the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule:

Hunting Seasons for Farm Raised White-tailed Deer and Exotics

Hunting Seasons:

Farm raised white-tailed deer: October 1 through January 31; subject to a limit of not more than ten (10) farm-raising licenses; provided that alteration of this limit requires approval of this Commission.

Exotics: January 1 through December 31

Shooting Hours: One-half hour before sunrise to one-half hour after sunset.

The following shall be legal methods of take for farm raised white-tailed deer and exotics: Longbow (including compound bow) and arrow; shotguns not larger than a 10 gauge fired from the shoulder without a rest, loaded with buckshot or rifled slug; handguns and rifles no smaller than 22 caliber center fire; or muzzleloading rifles or pistols, 44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

A Declaration of Emergency is necessary to allow for hunting of deer in enclosed areas. This action is in response to rules and regulations developed by the Louisiana Department of Agriculture and Forestry (LDAF). While LDAF has the authority to regulate "alternative livestock", LDAF rules also impact white-tailed deer. The Wildlife and Fisheries Commission is vested with the authority to regulate hunting seasons, thus the need for the Commission to establish hunting seasons for farm raised white-tailed deer and exotics if this program is to proceed.

The provisions of this Declaration of Emergency governing season dates, shooting hours and methods of take shall be subject to the penalties contained in R.S. 56:116.3.

For purposes of this Declaration of Emergency, the term "exotic" shall mean any animal of the family Bovidae and Cervidae which is not indigenous to Louisiana.

The aforementioned season dates, weapons and shooting hours will become effective on October 2, 1997 and extend for 120 days or until formal rulemaking is completed.

Daniel J. Babin
Chairman

Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex began with Mr. Bennie Fontenot reminding the Commission that the 14 inch minimum became a permanent rule two meetings ago. The staff was asked to develop different management scenarios to find out what effects it may have on bass in the Basin as compared to a 14 inch minimum. The different scenarios included a 12 inch minimum, 13 inch minimum, 13 - 16 inch slot, and keeping the 14 inch on but allowing four fish under the minimum. Mr. Gary Tilyou gave a slide presentation. The slides included general information on minimum length limits, electrofishing results prior to Hurricane Andrew, electrofishing results with a 14 inch minimum for 1996, electrofishing data comparing pre-hurricane with the 14 inch minimum regulation, data including the 13 inch minimum, 12 inch minimum, 14 inch minimum and allowing fishermen to take four fish under the minimum regulation and the comparison of creel data with pre-regulation and post regulation. The next slide referred to pre-regulation and post regulation if using a 13 - 16 inch slot limit. Tables on length-weight and length-age relationships were shown for information only. The last two slides referred to catch versus harvest rate of anglers and an analysis of angler daily opinion on length restrictions in the Basin. Hearing no questions from the Commission, Chairman Babin opened the discussion for public comments.

Mr. Dan Brabham asked Mr. Tilyou to explain a figure shown on the second slide and what was the average creel prior to the hurricane and what is it now? Following discussion between Mr. Brabham and Mr. Tilyou, Chairman Babin asked what was the point. Mr. Brabham stated he wanted to compare the two figures. Mr. Tilyou stated the staff knows people are catching more fish per hour, but regulations require they release a lot of those fish.

Mr. Stan Blouin stated two outstanding things shown from the slides were anglers are catching more fish, but were harvesting less in numbers that weigh more. He then stated he felt the 14 inch minimum was working well.

Commissioner Carver stated, from a biological standpoint, the 14 inch minimum was working. Then he asked if there were any signs of stunning growth rates in the Basin. Mr. Tilyou stated they were

seeing a slight decrease in growth rates and would continue monitoring it as well as the relative weight of the fish. Then Commissioner Carver stated the 14 inch was working and it needed to be looked at for another year.

An Unidentified Speaker stated he disagreed and requested the minimum size limit be reduced to 12 or 12 ½ inches because this is the size fish a lot of children were catching.

Mr. Warren Sheets stated when he does bring home fish, he wants his fish to be healthy and not contaminated. He asked the Commission to give fishermen the option of catching smaller, healthier fish.

Mr. Ernie Gammon stated the slides proved the program is a success and requested keeping the 14 inch minimum. He also mentioned this was not a trophy bass program set up for an elite group of fishermen. Chairman Babin reminded everyone this item was for discussion only.

Ms. Sue Haney stated the bass in the Spillway decreased severely prior to Hurricane Andrew. The levels now are similar to what they were 20 years ago and suggested maintaining the 14 inch minimum.

Chairman Babin asked Mrs. Karen Foote to brief the Commission on the **Shell Dredging, Central Coast - Discussion Only**. Mrs. Foote stated there were no bids received on the shell dredging lease and as such shell dredging would cease in coastal waters on October 31, 1997. Several options were to be explored, to which Mr. Don Puckett would present his findings, stated Mrs. Foote. Mr. Puckett stated he spoke with Mr. Rick Heck with the Mineral Board on the terms of the lease and the Guaranteed Annual Minimum Royalty. The Mineral Board would have to approve any changes to the lease. Mr. Heck advised Mr. Puckett these changes would be placed on the Board's agenda for discussion only to get their general feelings on the issues. Chairman Babin asked Mr. Puckett to keep the Minerals Committee of the Commission informed of what was taking place.

The Monthly Law Enforcement and Aviation Reports for September were distributed to the Commissioners and Chairman Babin decided to dispense with reading the reports.

Chairman Babin then asked for the first **Division Report**, the CITES Report presented by Mr. Johnnie Tarver. The CITES treaty was originally signed in 1975 to control the movement of endangered species across international lines. Of the 139 countries involved in CITES, 133 attended a meeting in Zimbabwe. Mr. Tarver explained some of the events that occurred during the meeting including the down listing of the African elephant. A proposal by the U.S. Fish and Wildlife Service to list the alligator snapping turtle and 12 species of map turtles to which the Department objected. One

reason for the listing of the turtles was due to the extensive trade. Mr. Tarver met with a number of nations at the Zimbabwe meeting and was able to convince them the turtles were not in danger in any way in Louisiana. These nations noted this issue was not an international issue, and it should be handled locally within the United States. The issue with the 12 species of map turtles, 3 of which are found everywhere in Louisiana, was also petitioned to the Federal Government and they eventually withdrew the proposal. Mr. Tarver felt he had a very successful trip. Then he thanked the Department and the Southeastern Association of Fish & Wildlife Agencies for allowing him to go. Mr. Bob Odom stated the turtle industry was a good example of the two agencies working together. Keeping the turtle off the endangered list helped to keep a viable industry in Louisiana. He expressed his appreciation to Mr. Tarver for his efforts.

Mr. Mike Olinde handled the Dove Season Report by initially saying the first split of dove season was not as good as expected. Two factors that affected this outcome were the dry July weather and the cold front that came through the State immediately prior to the season. The leased field program was another success. There were six fields in five parishes totaling 1700 acres. There were approximately 650 hunters on the fields with an average of 2.7 birds per hunter. Mr. Olinde acknowledged the district personnel in securing the leased fields.

Mr. Robert Helm presented a brief summary on the Teal Season. This was the fifth year of good production on breeding grounds so a record level fall flight of blue wings was expected. About 30 percent of waterfowl hunters participate in the teal season. Aerial surveys were conducted just prior to the opening and habitat conditions appeared to be good. Concentration areas were again in the southwest marshes and rice fields. Three cold fronts were instrumental in pushing the teal south, stated Mr. Helm. Harvest rates showed this was an excellent season with limits being obtained in a short period of time. Catahoula Lake WMA hunter success averaged 2.5 birds per hunter on opening weekend, Manchac WMA averaged 1.1, Atchafalaya Delta and Pass-a-Loutre averaged 3 to 3 ½ birds per hunter. If Louisiana has a good winter, the regular waterfowl season should be good as well when it opens in November.

Chairman Babin announced the Drawing for Red River WMA Lottery Duck Hunts would occur after the meeting adjourned.

Ms. Marianne Marsh gave a report on Hunting & Fishing Day. She began stating National Hunting & Fishing Day is held the fourth Saturday in September each year. There were four locations throughout the State which held this public relations event this year. Monroe had over 3,000 people, Minden - 2,000, Tensas Refuge - 1,100 and Baton Rouge - 3,400 people. This event has proven to be something the public looks forward to each year. Parents and children stopped staff members and expressed their thanks for this

event. Commissioner Gattle stated he went to the event in Monroe and felt it went very well. He encouraged all locations to hold such an event in the future because it promotes the outdoors and wildlife and fisheries.

After several minutes of discussion, the Commissioners decided to hold the **February 1998 Meeting** on Thursday, February 5, 1998 beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Chairman Babin then asked if there were any **Public Comments** and none were heard.

There being no further business, Commissioner Gattle made a motion to **Adjourn** the meeting and it was seconded by Commissioner Gisclair.


James W. Jenkins, Jr.
Secretary

JHJ:sch

Corrections made
10/27/97 -sch

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, October 2, 1997

Chairman Daniel Babin presiding.

Jerald Hanchey
Glynn Carver
Perry Gisclair
Joseph Cormier
Tom Gattle

Commissioner Norman McCall was absent from the meeting.

Deputy Secretary Clyde Kimball was also present.

Chairman Babin called for a motion for approval of the September 4, 1997 Commission Minutes. A motion for approval was made by Commissioner Carver and seconded by Commissioner Cormier. The motion passed with no opposition.

Mr. David Lavergne handled the next three items together, Declaration of Emergency & Notice of Intent - Proof of Income for Spotted Seatrout Management Measures, Declaration of Emergency & Notice of Intent - Proof of Income for Harvest of Mullet and Declaration of Emergency & Notice of Intent - Proof of Income for Saltwater Rod & Reel Commercial License. The only acceptable method to approve income eligibility was for an applicant to obtain a certified copy of his IRS income tax return. Some fishermen have had a difficult time in obtaining these returns and the Department wanted to provide them with additional alternative methods. The two additional methods were obtaining an IRS stamped transcript along with a copy of the applicant's income tax return or a copy of the federal tax return that has been filed at the local IRS office and stamped receipt. All fishermen applying for a spotted seatrout or mullet permit or rod and reel license has applied for a certified copy of their returns but some have not received them. Transcripts for those fishermen that have not received their certified tax returns have been received and the fishermen should be able to get their licenses. Chairman Babin asked how was the eligibility accomplished last year? Mr. Lavergne stated Undersecretary Prejean made the staff make sure all fishermen had applied for an IRS certified copy. The fishermen will have to show a copy of their W-2's to determine if over 50 percent of the income was derived by fishing. Chairman Babin asked if these new methods would allow for more fishermen and would impact the fishery? Mr. Lavergne answered no. Chairman Babin then asked if the Commission needed to vote on one method or all three methods? Mr. Lavergne explained the Department has accepted all three methods from the

d - have
WAS - had

fishermen. Commissioner Gattle reiterated that the qualifications remained the same and it was the means of proof that changed. Chairman Babin stated this was to speed up the process for the fishermen to obtain their licenses. Commissioner Gisclair asked if items 3, 4 and 5 could be taken together? Mr. Don Puckett stated the Commission could make one oral motion to approve all three. Commissioner Gisclair made a motion to approve all three Declarations of Emergency and Notices of Intent. Commissioner Hanchey seconded the motion and it passed with no opposition.

(The full text of the Declarations of Emergency and Notices of Intent is made a part of the record.)

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Currently, under Title 76, the only acceptable method an applicant can use to provide proof of income eligibility when applying for a spotted seatrout permit is a certified Internal Revenue Service (IRS) copy of his federal income tax return. Many fishermen are having difficulties in obtaining a certified copy of their federal tax returns and have received letters from the IRS stating that their returns are unavailable at this time. As a result of this, the commission has adopted additional acceptable alternative methods to prove income eligibility. These include: an IRS stamped transcript along with a copy of the applicant's income tax returns, or a copy of the applicant's federal income tax return that has been filed at the local IRS office and stamped received. Both additional methods also require a signed IRS cover letter certifying that the information attached reflects or is a copy of the original federal tax return filed by the applicant.

A declaration of emergency is necessary, since the spotted seatrout season is scheduled to begin the third Monday of November and there is insufficient time to adopt this change through the normal process of the Administrative Procedure Act.

This declaration of emergency shall become effective October 2, 1997 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§341. Spotted Seatrout Management Measures

A. Commercial Season; Quota; Permits

* * *

4. Permits

* * *

b. No person shall be issued a license or permit for the commercial taking of spotted seatrout unless that person meets all of the following requirements:

i. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

ii. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below.

(a). Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS).

(b). Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS.

(c). Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices.

iii. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:325.3 D(1)(b).

iv. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

v. The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

c. No person shall receive more than one permit or license to commercially take spotted seatrout.

d. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take spotted seatrout and shall be forever barred from receiving any permit or license to commercially take spotted seatrout.

5. Each Spotted Seatrout Permit holder shall, on or before the 10th of each month of the open season, submit an information return to the department on forms provided or approved for this purpose, including the pounds of spotted seatrout taken commercially during the preceding month, and the commercial dealers to whom these were sold, if sold. Monthly reports shall be filed, even if catch or effort is zero.

* * *

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR .

Daniel J. Babin
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby announces its intent to amend the rule for proof of income for spotted seatrout.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§341. Spotted Seatrout Management Measures

A. Commercial Season; Quota; Permits

* * *

4. Permits

* * *

b. No person shall be issued a license or permit for the commercial taking of spotted seatrout unless that person meets all of the following requirements:

i. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

ii. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below.

(a). Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS).

(b). Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS.

(c). Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices.

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iv. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

v. The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

c. No person shall receive more than one permit or license to commercially take spotted seatrout.

d. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take spotted seatrout and shall be forever barred from receiving any permit or license to commercially take spotted seatrout.

5. Each Spotted Seatrout Permit holder shall, on or before the 10th of each month of the open season, submit an information return to the department on forms provided or approved for this purpose, including the pounds of spotted seatrout taken commercially during the preceding month, and the commercial dealers to whom these were sold, if sold. Monthly reports shall be filed, even if catch or effort is zero.

* * *

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to David Lavergne, Socioeconomic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, December 4, 1997.

Daniel J. Babin
Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Currently, under LAC 76, the only acceptable method an applicant can use to provide proof of income eligibility when applying for a mullet permit is a certified Internal Revenue Service (IRS) copy of his federal income tax return. Many fishermen are having difficulties in obtaining a certified copy of their federal tax returns and have received letters from the IRS stating that their returns are unavailable at this time. As a result of this, the commission has adopted additional acceptable alternative methods to prove income eligibility. These include: an IRS stamped transcript along with a copy of the applicant's income tax returns, or a copy of the applicant's federal income tax returns that has been filed at the local IRS and stamped received. Both additional methods also require a signed IRS cover letter certifying that the information attached reflects or is a copy of the original federal tax return filed by the applicant.

A declaration of emergency is necessary, since the mullet season is scheduled to begin the third Monday of October and there is insufficient time to adopt this change through the normal process of the Administrative Procedure Act.

This declaration of emergency shall become effective October 2, 1997 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§343. Rules for Harvest of Mullet

* * *

E. Permits

* * *

2. No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994 and 1993.

b. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of

seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below.

i. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS).

ii. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS.

iii. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices.

c. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:333D(1)(b).

d. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:325.1, 56:333 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992) amended LR 21:37 (January 1995), LR 22:236 (March 1996), LR .

Daniel J. Babin
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby announces its intent to amend the rule relative to proof of income for the harvest of mullet.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§343. Rules for Harvest of Mullet

* * *

E. Permits

* * *

2. No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994 and 1993.

b. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below.

i. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS).

ii. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS.

iii. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS

stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices.

c. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:333D(1)(b).

d. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:325.1, 56:333 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992) amended LR 21:37 (January 1995), LR 22:236 (March 1996), LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to David Laverne, Socioeconomic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, December 4, 1997.

Daniel J. Babin
Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Currently, under Title 76, the only acceptable method an applicant can use to provide proof of income eligibility when applying for a rod and reel license is a certified Internal Revenue Service (IRS) copy of his federal income tax return. Many fishermen are having difficulties in obtaining a certified copy of their federal tax returns and have received letters from the IRS stating that their returns are unavailable at this time. As a result of this, the commission has adopted additional acceptable alternative methods to prove income eligibility. These include: an IRS stamped transcript along with a copy of the applicant's income

tax return, or a copy of the applicant's federal income tax returns that has been filed at the local IRS and stamped received. Both additional methods also require a signed IRS cover letter certifying that the information attached reflects or is a copy of the original federal tax return filed by the applicant. In addition, both methods require a copy of the applicant's state income tax return or a notarized affidavit by the applicant stating that he was not required to file a state return for that year.

A declaration of emergency is necessary, since the rod and reel is the only gear that can be used to commercially harvest spotted seatrout beginning on the third Monday of November and there is insufficient time to adopt this change through the normal process of the Administrative Procedure Act.

This declaration of emergency shall become effective October 2, 1997 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fishing and Other Aquatic Life

Chapter 4. License & License Fees

§405. Saltwater Commercial Rod and Reel License; Proof of Income

A. Each applicant shall have derived more than 50 percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

B. Proof of such income for at least two of the three years 1995, 1994, and 1993 shall be provided by the applicant using any of the methods listed below.

1. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS) and a copy of his state tax returns provided applicant was required to file.

2. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS and a copy of his state tax returns provided applicant was required to file.

3. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter and a copy of his state tax returns provided applicant was required to file. Transcripts are available at local IRS offices.

C. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:305B(14)(b).

D. If the applicant was not required to file a state tax return, the applicant shall provide a notarized affidavit certifying that he was not required to file a state tax return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:13.1.D.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:237 (March 1996), amended LR .

Daniel J. Babin
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby announces its intent to amend the rule relative to proof of income for the saltwater commercial rod and reel license.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fishing and Other Aquatic Life

Chapter 4. License & License Fees

§405. Saltwater Commercial Rod and Reel License; Proof of Income

A. Each applicant shall have derived more than 50 percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

B. Proof of such income for at least two of the three years 1995, 1994, and 1993 shall be provided by the applicant using any of the methods listed below.

1. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS) and a copy of his state tax returns provided applicant was required to file.

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C. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:305B(14)(b).

D. If the applicant was not required to file a state tax return, the applicant shall provide a notarized affidavit certifying that he was not required to file a state tax return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:13.1.D.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:237 (March 1996), amended LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to David Lavergne, Socioeconomic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, December 4, 1997.

Daniel J. Babin

Chairman

Discussion of Setting a White-Tailed Deer Hunting Season on Deer Farms began with Deputy Secretary Clyde Kimball announcing the Commissioner of Agriculture, Mr. Bob Odom, was available to answer any questions and explain the intentions of his Department. But he then stated the Department was still in the process of working with the Department of Agriculture at the direction of the Governor. The Governor has also made it known to both Departments that the matter of hunting would fall under the purview of the Wildlife and Fisheries Commission. Also, the Governor has recommended the Commission go along with the expanded hunting season for this year only, stated Deputy Secretary Kimball. Mr. Bob Odom stated Mr. Johnnie Tarver and Mr. Bud Courson have been working on a compromise per the instructions of Mr. Odom and the Governor. Some of the agreements made included both agencies making sure all of the wild deer were removed from the farms and that both agencies jointly enforce the regulations. He asked the Commission to go along with the recommendations made by the Department of Agriculture. Mr. Odom stated his agency was in a position to adopt the new regulations in accordance with the Administrative Procedure Act with an emergency rule followed by a permanent rule. Commissioner Gisclair asked how many permits have been issued, how many are pending, and what stages are some permits in? Mr. Odom stated they have issued 2 permits with 10 permits pending. Commissioner Gisclair asked if Mr. Odom could tell him how many permits would be operational by the end of the season? Mr. Odom stated it depended on how many requests came in. Then Commissioner Gisclair asked how many acres would be tied up that people are hunting on now that they would not be able to hunt on in the future? Mr. Odom felt there were no acres being hunted now that are not already fenced. Most of the people involved in this activity were licensed by the Department of Wildlife and Fisheries as a game breeder and now moving to deer farming. Mr. Odom stated, from his meeting with the Legislature, they were more interested in setting a minimum acreage to ensure there would be a fair hunt and not just a kill. Any farmer can fence his own property and no one could do anything about it, stated Mr. Odom. Commissioner Gisclair then asked for someone from the Department of Wildlife and Fisheries to come up and clarify what has been worked out. Chairman Babin asked what was the difference between the definition of farming and hunting on private property. Mr. Odom stated they call it harvesting and the key difference is that the domestic deer is removed from the private property. Chairman Babin asked if the intent of the bill was not to create a farm to raise deer to place in other areas, but to raise deer to sell as a hunt. Mr. Odom stated no.

Mr. Johnnie Tarver stated there were some very contentious issues that needed to be addressed such as enforcement authority, and the ability to prove that all the wild deer have been removed. The Department of Wildlife and Fisheries and Wildlife and Fisheries

Commission have been incorporated into the Department of Agriculture's rule where appropriate, stated Mr. Tarver. Other agreements reached included a new set of definitions, the fact that the Commission has the only authority to set seasons, inspection of the farms as they are being constructed, notification of deer being imported into the State, the ability to cite violators and, if necessary, the right to reject an area. Mr. Tarver felt there would probably be questions that needed answers, but no one could answer now. The staff will continue to work with the Department of Agriculture and hopefully solve most of the problems as they come up. Commissioner Carver stated at the last Commission Meeting, a resolution was passed banning the importation of deer. Then he asked Mr. Tarver if he was asking the Commission to repeal that resolution? Mr. Tarver stated that had nothing to do with today's discussion, that all avenues had to be considered. Then Commissioner Carver asked if the resolution presented at the October meeting would take precedence over the one passed at the September Meeting? Mr. Tarver explained to Commissioner Carver the reason why he was not informed of any meetings or outcomes from the negotiations. Mr. Odom assured the Commissioners that every deer that comes into the State would be chipped and would be accompanied by a Health Certificate. Commissioner Gattle asked if there have been deer imported into Louisiana prior to the September resolution and are those individuals hunting now hunting wild deer and not farm raised? Mr. Odom stated hunters were hunting farm raised deer obtained from different game breeder farms in the State. Commissioner Gattle then asked if the seed for the farms came from wild deer? He also asked if the farm in operation on October 1 was ^{were} hunting for white-tailed deer or exotics. Mr. Odom stated it was white-tailed deer that was bought from a farm previously licensed by the Department of Wildlife and Fisheries. Commissioner Gattle asked Mr. Tarver if the two established farms have been inspected by the Department of Wildlife and Fisheries? Mr. Tarver stated there was no provision to inspect the farms at the time of operation, but enforcement agents and technical staff were recently sent to one of the farms for inspection. Commissioner Gattle asked if joint inspections would occur from this point on? Mr. Tarver stated as soon as the emergency rule that was agreed upon was put into place, joint inspections would occur. He assured the Commission that any possible questions or incidences would be worked out between the two agencies. Mr. Odom stated the two agencies were committed to work together. Commissioner Gisclair asked both agencies, if the resolution at the October meeting was passed, would the ban on importation of deer stay on? Mr. Odom stated it was the Department of Agriculture's feeling that the ban ^{importing} on farm raised deer would be removed. Mr. Tarver stated the resolution to be voted on only sets the opening and closing dates for hunting and has nothing to do with importation of deer. Mr. Don Puckett stated the resolution only sets the seasons for hunting of farm raised deer and does not repeal the ban on importation of deer passed last month. Commissioner Carver asked how many antelope and elk farms are there in the State? Mr. Odom stated

ARE — there are no antelope farms, but there are a few elk farms in the State. Then he stated that the Department of Agriculture could not allow any animals to come into the State that could possibly affect domestic herds. Chairman Babin asked where does a deer farm end up if the Commission does not repeal the importation ban? Mr. Odom stated ~~there was~~ a number of deer farms in the State that are supplying deer, but eventually the ban would need to be addressed. Commissioner Gattle recapped by stating the Commission was only voting for hunting season dates and not addressing the issue of importation since there is enough stock that is being supplied to the hunting farms to sustain whatever hunting may occur. Mr. Odom stated there was another side to this issue and that was some farms are raising these animals for consumption. Mr. Tarver advised that he asked Mr. Odom and his staff to come to the meeting ready to discuss the importation issue and it could be addressed later on in the meeting.

Chairman Babin asked Mr. Odom what problem did the Department of Agriculture have with abiding by the same regulations as every other hunter? Mr. Odom explained how much money has been spent to develop this farm and the types of people that would be hunting there. Then Chairman Babin asked if it was not more of a sport to shoot with a bow and arrow as compared to a rifle? Mr. Odom stated the corporate executives do not want to hunt with a bow and arrow. Also, he stated these hunts create a good tourist attraction for Louisiana. Commissioner Gattle asked about the hunting season dates for exotics and white-tailed deer and what were the fees associated with the program? Mr. Odom stated there was a \$50 permit fee from the Department of Agriculture and then a \$50 fee charged by the Department of Wildlife and Fisheries per hunter (which the Department of Agriculture gets 50 percent of) and a \$5 tag fee for each animal. After the animal is harvested, it would be chipped, if not already done, ~~plus~~ a tag would be placed on the left ear so both agencies would know which farm the animal came from. ~~Commissioner Carver asked if the chip would be put in the animal after it was harvested?~~ ~~Mr. Odom stated if the animal is moved in commerce it has to be chipped and that both agencies would be notified.~~ ~~Then Commissioner Carver asked if the exotics shed their antlers?~~ Mr. Hugh Bateman stated the exotics have horns instead of an annually grown antler. Chairman Babin asked if a hunter using a bow and arrow and not wearing hunter orange outside a farm would be in jeopardy if there was a hunter inside a farm using a rifle? Mr. Odom answered by asking, what's the difference if one hunter does not know there is another hunter outside that farm. The owner of the farms have to be responsible for the hunters safety. AND

Commissioner Gisclair asked Mr. Tarver what definitions did they have problems with? Mr. Tarver stated it was on harvesting, then he read the agreed upon definition for the Commission. Going on, Commissioner Gisclair stated there were issues raised at the last meeting ~~that~~ they had no idea how these were resolved. ANCL

Chairman Babin stated the staff has been in constant negotiations and they as Commissioners were having to make decisions on a major issue that they were receiving new information on. Then he urged each Commissioner to bring up any issue that they may be uncertain about since both sides involved are available. Mr. Odom explained there was a set of regulations in place that Wildlife and Fisheries was not in agreement with and they were trying to change them to a set of regulations that were agreeable for both sides. Mr. Jim Gelpi, attorney for Department of Agriculture and Forestry, went over several of the issues that have been addressed since the last meeting. The first issue, which is now in the regulations, pertained to the Department of Wildlife and Fisheries' request to inspect the farms and to object to a license. The second issue, which was also granted, was the right to have access to the farms after licensed and access to their records. The issuance of permits, the notification before any licensee began harvesting, were two more issues raised by the Department of Wildlife and Fisheries that were also granted. The grandfather clause mentioned last time has been revoked. Other issues granted included the inspection of farms and making sure all of the wild deer were removed, provide that any violations of Title 56 would be subject to the loss of their license, and to provide the Commission the opportunity to review the hunting season dates. Mr. Gelpi concluded stating all of the issues, except for the hunting season dates, were resolved in favor of the Department of Wildlife and Fisheries. Chairman Babin thanked Mr. Gelpi for going over the issues. Then he stated, in his opinion, he had a problem granting a season for the farms which was different from the rest of the State. Mr. Gelpi reminded the Chairman that the season opening of October 1 for hunting on the farms would not involve any wildlife. Chairman Babin asked if the Department of Agriculture would object to setting the hunting seasons for this first year along the same lines as those outside the farms except for the two permits already issued. Mr. Odom stated he does have a problem with that proposal. He then stated he believed it could be worked during this year and if problems occurred, then the dates could be adjusted. Mr. Tarver stated hunters have 152 days to deer hunt, but the farmers would lose 52 days if gun shooting was removed outside the framework. Chairman Babin asked how many harvesting permits are involved? Mr. Odom stated there is no limit to the number of harvesting permits a farmer can issue. Chairman Babin asked Mr. Odom if he had any idea what those two permitted farms would lose in 50 days from an economic standpoint. Mr. Odom stated there would be no hunters that would use a bow and arrow. Commissioner Gattle felt bowhunting was a very popular sport in this State. He then stated, in his opinion, he would agree to the full year season for exotics, and that the farm raised white-tailed deer should conform to the hunting regulations that are already in place for that area. Mr. Odom stated if this would occur, there would be no deal on the new set of regulations. Commissioner Gisclair asked, if the Commission set the dates to follow the hunting seasons are they are now, then everything would be off the table? Mr. Odom answered yes, but they

did not want to do that. He then committed that if a problem occurred this year, he would be back next year to work out that problem. Commissioner Gisclair asked Mr. Odom if they could wait until the next meeting, to which Mr. Odom answered no. Chairman Babin asked why ~~have there been no negotiations before now?~~ *have been* Mr. Odom stated the Governor got involved and asked that it be worked out to the best interest of the State. Chairman Babin asked if the different hunting season dates was ever discussed? Mr. Odom stated they did discuss it and granted the Commission the authority to set the season dates with the understanding the Commission would go along with the October 1 - January 31 season dates for this year.

An Unidentified Speaker stated he disagreed with Mr. Odom and that he was only looking out for the rich man.

Commissioner Cormier asked Mr. Tarver if the enforcement agents would be involved prior to and during the licensing of the farms and would they be able to enforce the laws as they do on state-owned lands? Also, he asked if the agents and technical staff had the right to reject a farm and would the imported deer be health tested? Mr. Tarver answered yes. Commissioner Hanchey stated he had no problem with the dates and moved that the Commission adopt the resolution. Mr. Don Puckett stated the item on the agenda was listed as discussion only and there needed to be a motion and 2/3 majority vote to convert it to an action item. Commissioner Hanchey made a motion to add the item as an action item. Commissioner Carver seconded the motion and it passed with opposition from Commissioner Gisclair and Chairman Babin. Chairman Babin then called for a break in the meeting.

Reconvening from the break, Chairman Babin stated he understood the sense of urgency on the part of the Department of Agriculture. He then asked if any Commissioner had any further questions? Commissioner Gisclair stated the discussion today ~~has been more open than the last meeting and appreciated the fact that~~ *had he* Mr. Odom came to the meeting. Chairman Babin asked Mr. Odom how would delaying action by the Commission one to two weeks impact his rule? Mr. Odom stated the regulations in effect at that point ~~does not allow Wildlife and Fisheries to have any authority.~~ *did* Commissioner Gattle stated he was confused by the authority Mr. Odom was referencing. Chairman Babin asked Mr. Odom if he could tell the Commission how close the 10 applicants were to being permitted? Mr. Odom stated he had no way of knowing. He then announced the Department of Agriculture could limit the permits to 10 for this season, with the understanding they could come back to the Commission with additional requests. Commissioner Gattle made a motion approving the resolution as presented but adding a limit of 10 permits for this year without the Commission's approval. Commissioner Hanchey seconded the motion. Chairman Babin opened the meeting for public comments.

Mr. Russell Lantier, representing the State Bowhunter's Association, stated what he sees "smells". He had serious ethical concerns on the size of the different farms. Mr. Lantier asked the Commission to delay taking action and get public input on the matter.

Chairman Babin restated the motion. Mr. Odom asked that the word "permit" be replaced with "license" to read in accordance to their language. Mr. Puckett stated the regulations refer to the farms as needing a facility license. Commissioner Gattle asked Mr. Puckett if the resolution was altering the decision made at the last meeting on the ban of importing deer? Mr. Puckett answered no. He then requested the words "for this year" be included in the resolution so the Commission could look at the season dates next year. Commissioner Carver asked when would the season start? *SEASON* Commissioner Gisclair thought the white-tailed deer would extend to January 31 with there only *being* 10 permits issued during that timeframe. Commissioner Gattle also felt there would be a total of 10 permits for the season October 1 through January 31. But he asked if the 10 would include both white-tailed and exotics. Mr. Odom felt the 10 permit limit should only be for white-tailed deer and the season dates for exotics should be year-round. Chairman Babin asked if exotics was a separate issue from the white-tailed deer. Mr. Puckett stated the Declaration of Emergency contained dates for both exotics and white-tailed deer. Commissioner Gattle asked if there was one permit for both? Chairman Babin restated the motion and added that the Commission would reconsider the issue before setting seasons next year. Mr. Odom asked if the 10 permit limit was for white-tailed deer or exotics. Discussion continued on the issue of a total of 10 permits issued. Commissioner Gisclair asked Mr. Odom how does his year run? Mr. Odom stated licenses were issued from July to July. Chairman Babin asked if there were any other issues that needed to be discussed and resolved? *had* Mr. Tarver stated the attorney's *had* not had a chance to review the set of regulations received before the meeting. Mr. Puckett stated the regulations received addressed some issues but not all of them, but he requested continuing dialog with the Department of Agriculture. Commissioner Gisclair asked if it would be appropriate to amend Commissioner Gattle's motion to clarify the season dates would extend to January 31 and the 10 permit limit would apply to white-tailed deer? This motion was seconded by Commissioner Hanchey. Lt. Col. Charlie Clark asked if the areas *being* built for exotic hunting would still need to be cleared of white-tailed deer? Commissioner Carver asked what would keep a farmer from dropping his fence and going onto a wildlife management area and drive deer onto his land and then rebuild his fence? *ing* Mr. Odom stated that farmer would loose his license. Then Commissioner Carver asked if the Department of Wildlife and Fisheries would have the right to cancel a license? The motion for the amendment passed with no opposition. Then Chairman Babin asked for a vote on the motion as amended and it also passed with no opposition. He

thanked Mr. Odom and his staff and requested continuing dialog between the two agencies.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
October 2, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, October 2, 1997.

WHEREAS, the Louisiana Department of Agriculture and Forestry (LDAF) has developed and begun the process of rule making for hunting of imported exotic deer and antelope, elk and farm raised white-tailed deer, and

WHEREAS, these rules will allow for the raising, propagation, and hunting of imported exotic deer and antelope, elk, and farm raised white-tailed deer within the confines of pens specified by LDAF rules and regulations and approved by the Louisiana Department of Wildlife and Fisheries, and

WHEREAS, the authority to establish hunting seasons has been vested with the Louisiana Wildlife and Fisheries Commission exclusively, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has agreed to the attached Declaration of Emergency that includes season dates, legal methods of take and shooting hours, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission adopts the attached Declaration of Emergency to establish hunting seasons on imported exotic deer and antelope, elk and farm raised white-tailed deer, and

BE IT FURTHER RESOLVED, that formal rule making processes will be implemented to make this Declaration of Emergency a permanent rule that will be effective beyond the 120 days established by this Declaration of Emergency.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy Secretary
La. Department of Wildlife &
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and 967 of the Administrative Procedure Act, and under authority of Louisiana Constitution, Article IX, Section 7, Louisiana R.S. 36:601 et seq., and Louisiana R.S. 56:115, 171 et seq., and 651 et seq., the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule:

Hunting Seasons for Farm Raised White-tailed Deer and Exotics

Hunting Seasons:

Farm raised white-tailed deer: October 1 through January 31; subject to a limit of not more than ten (10) farm-raising licenses; provided that alteration of this limit requires approval of this Commission.

Exotics: January 1 through December 31

Shooting Hours: One-half hour before sunrise to one-half hour after sunset.

The following shall be legal methods of take for farm raised white-tailed deer and exotics: Longbow (including compound bow) and arrow; shotguns not larger than a 10 gauge fired from the shoulder without a rest, loaded with buckshot or rifled slug; handguns and rifles no smaller than 22 caliber center fire; or muzzleloading rifles or pistols, 44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

A Declaration of Emergency is necessary to allow for hunting of deer in enclosed areas. This action is in response to rules and regulations developed by the Louisiana Department of Agriculture and Forestry (LDAF). While LDAF has the authority to regulate "alternative livestock", LDAF rules also impact white-tailed deer. The Wildlife and Fisheries Commission is vested with the authority to regulate hunting seasons, thus the need for the Commission to establish hunting seasons for farm raised white-tailed deer and exotics if this program is to proceed.

The provisions of this Declaration of Emergency governing season dates, shooting hours and methods of take shall be subject to the penalties contained in R.S. 56:116.3.

For purposes of this Declaration of Emergency, the term "exotic" shall mean any animal of the family Bovidae and Cervidae which is not indigenous to Louisiana.

The aforementioned season dates, weapons and shooting hours will become effective on October 2, 1997 and extend for 120 days or until formal rulemaking is completed.

Daniel J. Babin
Chairman

Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex began with Mr. Bennie Fontenot reminding the Commission that the 14 inch minimum became a permanent rule two meetings ago. The staff was asked to develop different management scenarios to find out what effects it may have on bass in the Basin as compared to a 14 inch minimum. The different scenarios included a 12 inch minimum, 13 inch minimum, 13 - 16 inch minimum, and keeping the 14 inch on but allowing four fish under the minimum. Mr. Gary Tilyou gave a slide presentation. The slides included general information on minimum length limits, electrofishing results prior to Hurricane Andrew, electrofishing results with a 14 inch minimum for 1996, electrofishing data comparing pre-hurricane with the 14 inch minimum regulation, data including the 13 inch minimum, 12 inch minimum, 14 inch minimum and allowing fishermen to take four fish under the minimum regulation and the comparison of creel data with pre-regulation and post regulation. The next slide referred to pre-regulation and post regulation if using a 13 - 16 inch slot limit. Tables on length-weight and length-age relationships were shown for information only. The last two slides referred to catch versus harvest rate of anglers and an analysis of the angler daily opinion on length restrictions in the Basin. Hearing no questions from the Commission, Chairman Babin opened the discussion for public comments. *slot*

Mr. Dan Brabham asked Mr. Tilyou to explain a figure shown on the second slide and what was the average creel prior to the hurricane and what is it now? Following discussion between Mr. Brabham and Mr. Tilyou, Chairman Babin asked what was the point. Mr. Brabham stated he wanted to compare the two figures. Mr. Tilyou stated the staff knows people are catching more fish per hour, but regulations require they release a lot of those fish.

Mr. Stan Blouin stated two outstanding things shown from the slides were anglers are catching more fish, but were harvesting less in numbers that weigh more. He then stated he felt the 14 inch minimum was working well.

Commissioner Carver stated, from a biological standpoint, the 14 inch minimum was working. Then he asked if there ~~was~~ any signs of stunning growth rates in the Basin. Mr. Tilyou stated they were *were*

seeing a slight decrease in growth rates and would continue monitoring it as well as the relative weight of the fish. Then Commissioner Carver stated the 14 inch was working and it needed to be looked at in another year.

FOR
An Unidentified Speaker stated he disagreed and requested the minimum size limit be reduced to 12 or 12 ½ inches because this is the size fish a lot of children were catching.

Mrs
Mr. Warren Sheets stated when he does bring home fish, he wants that fish to be healthy and not contaminated. He asked the Commission to give fishermen the option of catching smaller, healthier fish.

Mr. Ernie Gammon stated the slides proved the program is a success and requested keeping the 14 inch minimum. He also mentioned this was not a trophy bass program set up for an elite group of fishermen. Chairman Babin reminded everyone this item was for discussion only.

Ms. Sue Haney stated the bass in the Spillway decreased severely prior to Hurricane Andrew. The levels now are similar to what they were 20 years ago and suggested maintaining the 14 inch minimum.

Chairman Babin asked Mrs. Karen Foote to brief the Commission on the **Shell Dredging, Central Coast - Discussion Only**. Mrs. Foote stated there were no bids received on the shell dredging lease and as such shell dredging would cease in coastal waters on October 31, 1997. Several options were to be explored, to which Mr. Don Puckett would present his findings, stated Mrs. Foote. Mr. Puckett stated he spoke with Mr. Rick Heck with the Mineral Board on the terms of the lease and the Guaranteed Annual Minimum Royalty. The Mineral Board would have to approve any changes to the lease. Mr. Heck advised Mr. Puckett these changes would be placed on the Board's agenda for discussion only to get their general feelings on the issues. Chairman Babin asked Mr. Puckett to keep the Minerals Committee of the Commission informed of what was taking place.

The **Monthly Law Enforcement and Aviation Reports for September** were distributed to the Commissioners and Chairman Babin decided to dispense with reading the reports.

Chairman Babin then asked for the first **Division Report**, the CITES Report presented by Mr. Johnnie Tarver. The CITES treaty was originally signed in 1975 to control the movement of endangered species across international lines. Of the 139 countries involved in CITES, 133 attended a meeting in Zimbabwe. Mr. Tarver explained some of the events that occurred during the meeting including the down listing of the African elephant. A proposal by the U.S. Fish and Wildlife Service to list the alligator snapping turtle and 12 species of map turtles to which the Department objected. One

reason for the listing of the turtles was due to the extensive trade. Mr. Tarver met with a number of nations at the Zimbabwe meeting and was able to convince them the turtles were not in danger in any way in Louisiana. These nations noted this issue was not an international issue, ^{AND} it should be handled locally within the United States. The issue with the 12 species of map turtles, 3 of which are found everywhere in Louisiana, was also petitioned to the Federal Government and they eventually withdrew the proposal. Mr. Tarver felt he had a very successful trip. Then he thanked the Department and the Southeastern Association of Fish & Wildlife Agencies for allowing him to go. Mr. Bob Odom stated the turtle industry was a good example of the two agencies working together. Keeping the turtle off the endangered list ^{initially} helped to keep a viable industry in Louisiana. He expressed his appreciation to Mr. Tarver for his efforts.

Mr. Mike Olinde handled the Dove Season Report by ^{initially} saying the first split of dove season was not as good as expected. Two factors that affected this outcome ^{were} was the dry July weather and the cold front that came through the State immediately prior to the season. The leased field program was another success. There were six fields in five parishes leased totaling 1700 acres. There were approximately 650 hunters on the fields with an average of 2.7 birds per hunter. Mr. Olinde acknowledged the district personnel in securing the leased fields.

Mr. Robert Helm presented a brief summary on the Teal Season. This was the fifth year of good production on breeding grounds so ^{WPS expected} it was expected a record level fall flight of blue wings. About 30 percent of waterfowl hunters participated in the teal season. Aerial surveys were conducted just prior to the opening and habitat conditions appeared to be good. Concentration areas were again in the southwest marshes and rice fields. Three cold fronts were instrumental in pushing the teal south, stated Mr. Helm. Harvest rates showed this was an excellent season with limits being obtained in a short period of time. Catahoula Lake WMA hunter success averaged 2.5 birds per hunter on opening weekend, Manchac WMA averaged 1.1, Atchafalaya Delta and Pass-a-Loutre averaged 3 to 3 ½ birds per hunter. If Louisiana has a good winter, the regular waterfowl season should be good as well when it opens in November.

Chairman Babin announced the Drawing for Red River WMA Lottery Duck Hunts would occur after the Meeting adjourned.

Ms. Marianne Marsh gave a report on Hunting & Fishing Day. She began stating National Hunting & Fishing Day is held the fourth Saturday in September each year. There were four locations throughout the State which held this public relations event this year. Monroe had over 3,000 people, Minden - 2,000, Tensas Refuge - 1,100 and Baton Rouge - 3,400 people. This event has proven to be something the public looks forward to each year. Parents and children stopped staff members and expressed their thanks for this

event. Commissioner Gattle stated he went to the event in Monroe and felt it went very well. He encouraged all locations to hold such an event in the future because it promotes the outdoors and wildlife and fisheries.

After several minutes of discussion, the Commissioners decided to hold the **February 1998 Meeting** on Thursday, February 5, 1998 beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Chairman Babin then asked if there were any **Public Comments** and none were heard.

There being no further business, Commissioner Gattle made a motion to **Adjourn** the meeting and it was seconded by Commissioner Gisclair.

James H. Jenkins, Jr.
Secretary

JHJ:sch

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
October 2 , 1997.

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WHEREAS, the authority to establish hunting seasons has been vested with the Louisiana Wildlife and Fisheries Commission exclusively, and

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BE IT FURTHER RESOLVED, that formal rule making processes will be implemented to make this Declaration of Emergency a permanent rule that will be effective beyond the 120 days established by this Declaration of Emergency.

Daniel Babin, Chairman
La. Wildlife and Fisheries Commission

James H. Jenkins, Jr., Secretary
La. Department of Wildlife and Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

In accordance with the Emergency provisions of R.S. 49:953(B) of the Administrative Procedures Act, and under authority of Louisiana Constitution, Article IX, Section 7, Louisiana Revised Statutes 36:601 et seq. and Louisiana R.S. 56:115 and 651 et seq., the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule:

Hunting Seasons for Farm Raised White-tailed Deer and Exotics

Hunting seasons:

Farm Raised White-tailed Deer: October 1- January 31;

Exotics: January 1- December 31

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Daniel Babin

Chairman

; subject to a limit of not more
than ten (10) F-K L; provided
that alteration of this limit requires
approval of this Commission

FINE POINTS/BRIEFS

FINE POINTS



ay's Schedule

Arman Masters.....Golf
 3A-Bulck Challenge.....ESPN
 Bowden-Tulane football...Fox-SW
 3A Seniors Vantage.....Golf
 off: Braves at Astros.....ESPN
 Bailey-UTEP football.....Fox-SW
 der-Tulsa football.....Fox-SW
 field-Rice football.....Fox-SW
 iveran, SMU football.....Fox-SW
 showcase.....Fox-SW
 agazine.....Fox-SW
 easler, MSU football Cable Ch. 18
 U.S. World Cup qualifier.....ESPN
 off: Marlins at Giants.....Ch. 33
 Pennzoil Nationals.....ESPN2
 uston at San Antonio.....Fox-SW
 ghty Ducks and Canucks.....ESPN2
 Point at Redemptorist.....WBTR
 ne Friday Night.....Ch. 9
 i Tonight.....ESPN

at Christian Life.....WIBF-AM
 vision at Catholic High...WJBO-AM
 Springs at Istrouma...WSKR-AM
 subject to change by networks.

DALLAS MAVERICKS—Signed F Michael Finley to a five-year contract extension.
 American Basketball League
 COLUMBUS QUEST—Signed G Katie Smith to a two-year contract.
 FOOTBALL
 Arena Football League
 MILWAUKEE MUSTANGS—Signed FB-LB Odell Parks and WR-LB Henry Milton.
 HOCKEY
 National Hockey League
 DALLAS STARS—Signed D Craig Muni to a one-year contract. Assigned D Brad Lukowich to Michigan of the IHL.
 NEW YORK RANGERS—Agreed to terms with C Wayne Gretzky.
 PITTSBURGH PENGUINS—Assigned RW Roman Oksiluta to Quebec of the IHL.
 TAMPA BAT LIGHTNING—Signed F Troy Mallette. Assigned F Louie DeBrusk to San Antonio of the IHL.
 West Coast Hockey League
 ANCHORAGE ACES—Signed F Dave Latta to a one-year contract.
 SOCCER
 Major League Soccer
 LOS ANGELES GALAXY—Recalled G Marco Cerna from Orange County of the A-League.
 COLLEGE
 ATLANTIC COAST CONFERENCE—Named Bernadette McGlade assistant commissioner for women's basketball.
 ATLANTIC 10 CONFERENCE—

Named Courtney Morrison assistant director of communications.
 EDINBORO—Named Pam Artman women's assistant basketball coach.
 RADFORD—Named Donnie Tickle assistant athletic director.
 SOUTHERN ILLINOIS—Named Dan Davis pitching coach.
 URBANA—Named Mark Fannin men's part-time assistant basketball coach and Dave Adams and Brian Silwinski men's volunteer assistant basketball coaches.

HOLE-IN-ONE

Name: Jeff Pollard
 Course: BR Country Club
 Hole: No. 3, 119 yards
 Club: Pitching wedge
 Witnesses: Patrick Patrick and David Field

PRO TENNIS

Swiss Indoors

BASEL, Switzerland — Results Thursday from the \$975,000 Swiss Indoors tennis tournament

Singles

Second Round
 Yevgeny Kafelnikov (1), Russia, def. Ivo Heuberger, Switzerland, 6-3, 4-6, 6-3.
 Lionel Roux, France, def. Carlos Moya (2), Spain, 6-3, 3-6, 7-6 (7-4).
 Greg Rusedski (4), Britain, def. Wayne Ferreira, South Africa, 6-3, 7-6 (7-2).
 Magnus Norman, Sweden, def. Jonas Bjorkman (5), Sweden, 6-1, 6-4.
 Thomas Enqvist (6), Sweden, def. Jeff Tarango, Manhattan Beach, Calif., 7-5, 7-5.
 Petr Korda (7), Czech Republic, def. Chris Woodruff, Knoxville, Tenn., 7-5, 6-4.
 Tim Henman, Britain, def. Karol Kucera, Slovakia, 6-4, 6-1.
 Mark Philippoussis, Australia, def. Fabrice Santoro, France, 6-3, 6-3.

Sicilian Open

PALERMO, Italy — Results Thursday of the ATP Sicilian Open men's clay-court tournament:

Singles

Third Round
 Marcelo Filippini (5), Uruguay, def. Christian Ruud, Norway, 7-6 (7-4), 6-7 (3-7), 7-5.
 Francisco Clavet (8), Spain, def. Vincent Spadea, Boca Raton, Fla., 6-3, 6-3.
 Javier Sanchez, Spain, def. Julian Alonso, Spain, 6-4, 6-4.
 Alex Corretja, Spain, def. Richard Fromberg, Australia, 6-1, 6-4.

China Open

BEIJING — Results Thursday from the \$303,000 China Open (seedings in parentheses):

Singles

Second Round
 Jim Courier (1), Miami, def. Marcos Ondruska, South Africa, 6-4, 6-3.
 Jan Krosiak, Slovakia, def. Chris Wilkinson, Britain, 6-3, 6-7 (6-8) 6-1.
 Alex O'Brien, Amarillo, Texas, def. Renzo Furlan, Italy, 7-6 (7-1), 6-4.

Doubles

Quarterfinals
 Joshua Eagle and Andrew Florent, Australia, def. David Rild, Czech Republic, and Justin Gimelstob, Key Biscayne, Fla., 6-4, 6-1.

Leander Paes and Mahesh Bhupathi (1), India, def. Pat McEnroe, New York, and Bill Behrens, Rancho Palos Verdes, Calif., 6-2, 6-4.

LWFC votes in new regulations on whitetail deer

Commission sets season for hunting farm-raised game

By JOE MACALUSO

Advocate outdoors writer

The Louisiana Wildlife and Fisheries Commission voted in on Thursday new regulations for another whitetail deer-hunting season, that of hunting farm-raised deer and other "exotic" animals such as elk, non-native deer and antelope.

The 6-0 vote established an Oct. 1, 1997-Jan. 31, 1998 season for taking whitetail deer on properly licensed high-fence farms, limited the season to that time period only and limited the program to 10 licensed farms. The vote also stipulated these special whitetail deer regulations expire next Jan. 31.

The new rules also allow the use of high-powered rifle hunting on these farms throughout the period, and allowed a year-round season on hunting exotic animals.

By contrast, state Wildlife Division administrator Hugh Bateman said, depending on the area of the state, other Louisiana hunters have a comparable 152-day season but are restricted to using high-powered rifles for less than half of those days. The Oct. 1-Jan. 31 season conforms to the state's archery season, when hunters are restricted to using bows and arrows to hunt deer.

The vote came after Louisiana Department of Agriculture and Forestry (LDAF) commissioner Bob Odom threatened to remove any authority the Department of Wildlife and Fisheries has over the program. Odom issued the challenge when several LWFC members questioned the use of high-powered weapons during periods of the season when virtually all other Louisiana hunters were not allowed to use such weapons.

The new regulations are the result of a program established by the Louisiana Department of Agriculture (LDA) which sets up high-fence, whitetail-deer farming allowed in a 1995 act of the State Legislature.

"Some people came to see us prior to the (Legislative) session and asked us to look at legislation to allow hunting," Odom said. "Our attorney said legislation (the 1995 act) was already in place."

When Department of Wildlife and Fisheries' Wildlife Division person-

nel objected to the regulations, the two state agencies sent representatives to meetings throughout July and August to iron out their differences.

Through early September, the LDWF biological and legal staffs said they were not pleased with the talks and urged the commission to ban the importation of whitetail deer into the state. The LWFC voted in the ban at its Sept. 4 meeting.

Over the past month, and with the urging of Gov. Mike Foster and several State House and Senate members, the two agencies met several times this week to work out their differences in the language, definitions, enforcement policies and control over importation and hunting of exotic animals and whitetail deer.

Odom said one high-fence farming operation opened for business Wednesday and one other was "getting ready to open." LDWF identified the farms as a 1,200-plus acre tract near Harrisonburg and an 1,100-plus acre tract near Springfield in Livingston Parish.

LDWF assistant secretary Johnny Tarver said most of the problems "had been worked out," but there were still others to be discussed.

LDWF attorney Don Puckett said both agencies "are in agreement that these are not the final regulations." He added that with both gubernatorial and legislative oversight in place the differences should be able to be worked out "without going to court."

In other action, the LWFC approved three methods commercial fishermen can use to prove sources of income required by law to obtain licenses for catching speckled trout and mullet and to obtain a commercial rod-and-reel license.

The commission also heard continuing discussion over the 14-inch minimum-size limit on black bass in the Atchafalaya Basin and Lake Verret-Belle River area, but took no action to change the limit.

It also heard Wildlife Division assessments of a "fair" first split of the mourning dove season, and an estimate of an above-average take of as many as 300,000 teal by state hunters in the special nine-day season which ended Sunday.

It also set its February 1998 meeting for Feb. 5 in Baton Rouge.

E RACING

DOWNS ENTRIES

109 SIXTH RACE — Purse \$11,500, 3 Year Olds & Up (\$7,500), 7 Furlongs.
 112 1. Lil Magic Boy (Collier, J.).....116
 116 2. Mr. Ralph Gray (Meche, L.).....116
 112 3. Dallas Divy (Cloninger).....109
 112 4. Wish For A Groom (Collier, T.).....111
 10, 2 5. Collin James (Laner).....113
 11, 6 6. The Best Jadd (Meche, D.).....113
 7. Brazen Bandit (Gonzalez).....113
 119 8. Shim B's Back (Lovelace).....119
 109 9. Crackdown (Courville).....119
 117 10. Jacob's Dream (LeBlanc).....118
 117 11. Bedford Flag (Ardoin).....118
 117 SEVENTH RACE — Purse \$18,000, 3 Year Olds & Up (Allowances), About 1 Mile.
 112 1. Deer Creek (Meche, D.).....112
 119 2. Washman Bay (Ardoin).....109
 119 3. Did I Did I Did (Meche, L.).....109
 Year 4. Pocketful of Bucks (Cloninger).....109
 119 5. Kid Luke (Collier, T.).....110
 116 6. Staunch's Gran Slam (Laner).....116
 116 7. Little Maugen (Smith).....109
 118 8. High Beam (Troclair).....112
 118 9. Golden Ile (Simington).....122
 116 EIGHTH RACE — Purse \$9,500, 3 Year Olds & Up Fillies and Mares (\$5,000), 6 Furlongs.
 115 1. Dandy Courtin (Ardoin).....116
 112 2. Filthy Franny (Lovelace).....116
 112 3. Fabulous Troupe (Reyes).....116
 107 4. Irish Spirit (Guillory).....116
 112 5. Miss Snow Bird (Collier, J.).....122
 112 6. Shoop Dere She Is (Simington).....122

7. Tiger Honey (Meche, D.).....116
 8. Ruthless Toothless (Meche, L.).....116
 9. Rebecca's Magic (Theriot).....116
 10. Lady Chapeau (Laner).....122
 11. Miss Sabine (LeBlanc).....116
 NINTH RACE — Purse \$7,000, 3 & 4 Year Old Maidens (\$20,000), 7 Furlongs.
 1. Kharrif (Melancon, G.).....116
 2. Regaligan (Collier, T.).....109
 3. Sally In Orbit (Ardoin).....119
 4. Mr. Jambies (Carter).....117
 5. Rowdy Blues (Matthews).....117
 6. Native Rebeau (Laner).....114
 7. Jim's Journey (Walker).....120
 8. Havapac (Guillory).....114
 9. Coldbrook (Theriot).....117
 10. Musical Surprise (Dupas).....117
 11. Z's Record (Simington).....117
 12. Pac Man Two (LeBlanc).....117
 TENTH RACE — Purse \$5,500, 3 Year Olds & Up (\$5,000), 7 Furlongs.
 1. Rare Pockets (Lovelace).....116
 2. Able An Willing (Matthews).....119
 3. Bertran (Theriot).....122
 4. Bobbi Bobbi (Collier, J.).....110
 5. Far Reality (Simington).....116
 6. Strong N Sunny (Collier, T.).....114
 7. Stanford (Melancon, K.).....122
 8. Simple Grace (Smith).....116
 9. Stately Milvay (Walker).....116
 10. Park Command (Laner).....116
 11. Swingin' Sleazy (Clark).....119
 12. Water Garden (Boyd).....111

SOLUNAR TABLES

DATE	DAY	MINOR	MAJOR	MINOR	MAJOR	A.M.	P.M.
10-3	Friday	6:35	12:50	7:00			
10-4	Saturday	7:20	1:10	7:50			35
10-5	Sunday	8:10	2:00	8:40			25

Compiled by Mrs. Richard Alden Knight. Distributed by King Features Syndicate

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
October 2 , 1997.

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge LA., October 2, 1997.

WHEREAS, the Louisiana Department of Agriculture and Forestry (LDAF) has developed and begun the process of rule making for hunting of imported exotic deer and antelope, elk, and farm-raised white-tailed deer, and

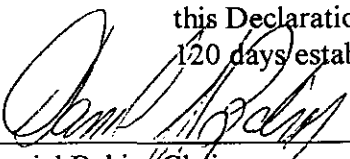
WHEREAS, these rules will allow for the raising, propagation, and hunting of imported exotic deer and antelope, elk, and farm-raised white-tailed deer within the confines of pens specified by LDAF rules and regulations and approved by the Louisiana Department of Wildlife and Fisheries, and

WHEREAS, the authority to establish hunting seasons has been vested with the Louisiana Wildlife and Fisheries Commission exclusively, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has agreed to the attached Declaration of Emergency that includes season dates, legal methods of take and shooting hours, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission adopts the attached Declaration of Emergency to establish hunting seasons on imported exotic deer and antelope, elk, and farm-raised white-tailed deer, and

BE IT FURTHER RESOLVED, that formal rule making processes will be implemented to make this Declaration of Emergency a permanent rule that will be effective beyond the 120 days established by this Declaration of Emergency.



Daniel Babin, Chairman
La. Wildlife and Fisheries Commission

James H. Jenkins, Jr., Secretary
La. Department of Wildlife and Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and 967 of the Administrative Procedure Act, and under authority of Louisiana Constitution, Article IX, Section 7, Louisiana R.S. 36:601 et seq., and Louisiana R.S. 56:115, 171 et seq., and 651 et seq., the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule:

Hunting Seasons for Farm Raised White-tailed Deer and Exotics

Hunting Seasons:

Farm raised white-tailed deer: October 1 through January 31; subject to a limit of not more than ten (10) farm-raising licenses; provided that alteration of this limit requires approval of this Commission.

Exotics: January 1 through December 31

Shooting Hours: One-half hour before sunrise to one-half hour after sunset.

The following shall be legal methods of take for farm raised white-tailed deer and exotics: Longbow (including compound bow) and arrow; shotguns not larger than a 10 gauge fired from the shoulder without a rest, loaded with buckshot or rifled slug; handguns and rifles no smaller than 22 caliber center fire; or muzzleloading rifles or pistols, 44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot

bullets only.

A Declaration of Emergency is necessary to allow for hunting of deer in enclosed areas. This action is in response to rules and regulations developed by the Louisiana Department of Agriculture and Forestry (LDAF). While LDAF has the authority to regulate "alternative livestock", LDAF rules also impact white-tailed deer. The Wildlife and Fisheries Commission is vested with the authority to regulate hunting seasons, thus the need for the Commission to establish hunting seasons for farm raised white-tailed deer and exotics if this program is to proceed.

The provisions of this Declaration of Emergency governing season dates, shooting hours and methods of take shall be subject to the penalties contained in R.S. 56:116.3.

For purposes of this Declaration of Emergency, the term "exotic" shall mean any animal of the family Bovidae and Cervidae which is not indigenous to Louisiana.

The aforementioned season dates, weapons and shooting hours will become effective on October 2, 1997 and extend for 120 days or until formal rulemaking is completed.

Daniel J. Babin

Chairman

Revised
10/3/97

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

In accordance with the Emergency provisions of R.S. 49:953(B) of the Administrative Procedures Act, and under authority of Louisiana Constitution, Article IX, Section 7, Louisiana Revised Statutes 36:601 et seq and Louisiana R.S. 56:115 and 651 et seq., the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule:

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Daniel Babin

Chairman

C O V E R

S H E E T



FAX

To: Danny Babin

Fax #: 504-563-4202

Subject: Declaration of Emergency

Date: October 3, 1997

Pages: 3, including this cover sheet.

COMMENTS:

Please review the attached Declaration of Emergency which includes the language from the amended motion. Call and let me know if okay. Thank you.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

504-765-2806
Fax: 504-765-0948

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
October 2 , 1997.

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge LA., October 2, 1997.

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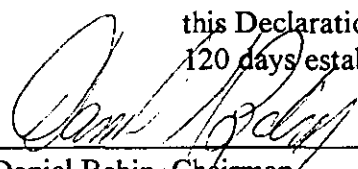
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WHEREAS, the authority to establish hunting seasons has been vested with the Louisiana Wildlife and Fisheries Commission exclusively, and

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Daniel Babin, Chairman
La. Wildlife and Fisheries Commission

James H. Jenkins, Jr., Secretary
La. Department of Wildlife and Fisheries

C O V E R



FAX

S H E E T

To: Bud Courson

Fax #: 922-1253

Subject: Declaration of Emergency

Date: October 6, 1997

Pages: 3, including this cover sheet.

COMMENTS:

The attached Declaration of Emergency is for your information.

From the desk of...

Johnnie Tarver
Assistant Secretary, Office of Wildlife
La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

504-765-2806
Fax: 504-765-0948

C O V E R

S H E E T



FAX

To: Terry Ryder

Fax #: 342-8320

Subject: Declaration of Emergency

Date: October 6, 1997

Pages: 3, including this cover sheet.

COMMENTS:

The attached Declaration of Emergency is for your information.

From the desk of...

Johnnie Tarver
Assistant Secretary, Office of Wildlife
La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

504-765-2806
Fax: 504-765-0948

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
October 2, 1997
10:00 AM

- ✓1. Roll Call
- ✓2. Approval of Minutes of September 4, 1997
- ✓3. Declaration of Emergency & Notice of Intent - Proof of Income for Spotted Seatrout Management Measures - David Lavergne
- ✓4. Declaration of Emergency & Notice of Intent - Proof of Income for Harvest of Mullet - David Lavergne
- ✓5. Declaration of Emergency & Notice of Intent - Proof of Income for Saltwater Rod & Reel Commercial License - David Lavergne
- ✓6. Discussion of Setting a White-Tailed Deer Hunting Season on Deer Farms - Johnnie Tarver
- ✓7. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex - Bennie Fontenot
- ✓8. Shell Dredging, Central Coast - Discussion Only - Karen Foote
- ✓9. Enforcement & Aviation Reports/September - Winton Vidrine
10. Division Reports
 - ✓a. CITES Report
 - ✓b. Dove and Teal Season Reports
 - c. Drawing for Red River WMA Lottery Duck Hunts (After Commission Meeting Adjourns)
 - ✓d. Hunting & Fishing Day Report
- ✓11. Set February 1998 Meeting Date
12. Public Comments
13. Adjourn

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Currently, under Title 76, the only acceptable method an applicant can use to provide proof of income eligibility when applying for a spotted seatrout permit is a certified Internal Revenue Service (IRS) copy of his federal income tax return. Many fishermen are having difficulties in obtaining a certified copy of their federal tax returns and have received letters from the IRS stating that their returns are unavailable at this time. As a result of this, the commission has adopted additional acceptable alternative methods to prove income eligibility. These include: an IRS stamped transcript along with a copy of the applicant's income tax returns or a copy of the applicant's federal income tax return that has been filed at the local IRS office and stamped received. Both additional methods also require a signed IRS cover letter certifying that the information attached reflects or is a copy of the original federal tax return filed by the applicant.

A declaration of emergency is necessary, since the spotted seatrout season is scheduled to begin the third Monday of November and there is insufficient time to adopt this change through the normal process of the Administrative Procedure Act.

This declaration of emergency shall become effective October 2, 1997 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§341. Spotted Seatrout Management Measures

A. Commercial Season; Quota; Permits

*** * ***

4. Permits

*** * ***

b. No person shall be issued a license or permit for the commercial taking of spotted seatrout unless that person meets all of the following requirements:

i. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

ii. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below.

(a). Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS).

(b). Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been

filed and stamped received at a local IRS office accompanied with a signed cover letter acknowledging receipt by the IRS.

(c). Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices.

iii. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:325.3 D(1)(b).

iv. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

v. The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

c. No person shall receive more than one permit or license to commercially take spotted seatrout.

d. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take spotted seatrout and shall be forever barred from receiving any permit or license to commercially take spotted seatrout.

5. Each Spotted Seatrout Permit holder shall, on or before the 10th of each month of the open season, submit an

information return to the department on forms provided or approved for this purpose, including the pounds of spotted seatrout taken commercially during the preceding month, and the commercial dealers to whom these were sold, if sold. Monthly reports shall be filed, even if catch or effort is zero.

* * *

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR .

Daniel J. Babin

Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby announces its intent to amend the rule for proof of income for spotted seatrout.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§341. Spotted Seatrout Management Measures

A. Commercial Season; Quota; Permits

* * *

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* * *

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HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed

rule to David Lavergne, Socioeconomic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, December 4, 1997.

Daniel J. Babin

Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Currently, under LAC 76, the only acceptable method an applicant can use to provide proof of income eligibility when applying for a mullet permit is a certified Internal Revenue Service (IRS) copy of his federal income tax return. Many fishermen are having difficulties in obtaining a certified copy of their federal tax returns and have received letters from the IRS stating that their returns are unavailable at this time. As a result of this, the commission has adopted additional acceptable alternative methods to prove income eligibility. These include: an IRS stamped transcript along with a copy of the applicant's income tax returns or a copy of the applicant's federal income tax returns that has been filed at the local IRS and stamped received. Both additional methods also require a signed IRS cover letter certifying that the information attached reflects or is a copy of the original federal tax return filed by the applicant.

A declaration of emergency is necessary, since the mullet season is scheduled to begin the third Monday of October and there is insufficient time to adopt this change through the normal process of the Administrative Procedure Act.

This declaration of emergency shall become effective October 2, 1997 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§343. Rules for Harvest of Mullet

* * *

E. Permits

* * *

2. No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994 and 1993.

b. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below.

i. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc), which has been certified by the Internal Revenue Service (IRS).

ii. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc), which has been filed and stamped received at a local IRS office accompanied with

a signed cover letter acknowledging receipt by the IRS.

iii. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc) along with an IRS stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices.

c. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:333D(1)(b).

d. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:325.1, 56:333 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992) amended LR 21:37 (January 1995), LR 22:236 (March 1996), LR .

Daniel J. Babin

Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby announces its intent to amend the rule relative to proof of income for the harvest of mullet.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§343. Rules for Harvest of Mullet

* * *

E. Permits

* * *

2. No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994 and 1993.

b. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below.

i. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e.

Schedule C of federal form 1040, form W-2, etc), which has been certified by the Internal Revenue Service (IRS).

ii. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc), which has been filed and stamped received at a local IRS office accompanied with a signed cover letter acknowledging receipt by the IRS.

iii. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc) along with an IRS stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices.

c. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:333D(1)(b).

d. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:325.1, 56:333 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992) amended LR 21:37 (January 1995), LR 22:236 (March

1996), LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to David Lavergne, Socioeconomic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, December 4, 1997.

Daniel J. Babin

Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Currently, under Title 76, the only acceptable method an applicant can use to provide proof of income eligibility when applying for a rod and reel license is a certified Internal Revenue Service (IRS) copy of his federal income tax return. Many fishermen are having difficulties in obtaining a certified copy of their federal tax returns and have received letters from the IRS stating that their returns are unavailable at this time. As a result of this, the commission has adopted additional acceptable alternative methods to prove income eligibility. These include: an IRS stamped transcript along with a copy of the applicant's income tax return or a copy of the applicant's federal income tax returns that has been filed at the local IRS and stamped received. Both additional methods also require a signed IRS cover letter certifying that the information attached reflects or is a copy of the original federal tax return filed by the applicant. In addition, both methods require a copy of the applicant's state income tax return or a notarized affidavit by the applicant stating that he was not required to file a state return for that year.

A declaration of emergency is necessary, since the rod and reel is the only gear that can be used to commercially harvest spotted seatrout beginning on the third Monday of November and there is insufficient time to adopt this change through the normal process of the Administrative Procedure Act.

This declaration of emergency shall become effective October 2, 1997 and shall remain in effect for the maximum period allowed

under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fishing and Other Aquatic Life

Chapter 4. License & License Fees

§405. Saltwater Commercial Rod and Reel License; Proof of Income

A. Each applicant shall have derived more than 50 percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

B. Proof of such income for at least two of the three years 1995, 1994, and 1993 shall be provided by the applicant using any of the methods listed below.

1. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc), which has been certified by the Internal Revenue Service (IRS) and a copy of his state tax returns provided applicant was required to file.

2. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc), which has been filed and stamped received at a local IRS office accompanied with a signed cover letter acknowledging receipt by the IRS and a copy of his state tax returns provided applicant was required to file.

3. Method 3. Applicant shall submit to the Department

of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc) along with an IRS stamped transcript and IRS signed cover letter and a copy of his state tax returns provided applicant was required to file. Transcripts are available at local IRS offices.

C. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:305B(14)(b).

D. If the applicant was not required to file a state tax return, the applicant shall provide a notarized affidavit certifying that he was not required to file a state tax return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:13.1.D.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:237 (March 1996), amended LR .

Daniel J. Babin

Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby announces its intent to amend the rule relative to proof of income for the saltwater commercial rod and reel license.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fishing and Other Aquatic Life

Chapter 4. License & License Fees

§405. Saltwater Commercial Rod and Reel License; Proof of Income

A. Each applicant shall have derived more than 50 percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

B. Proof of such income for at least two of the three years 1995, 1994, and 1993 shall be provided by the applicant using any of the methods listed below.

1. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS) and a copy of his state tax returns provided applicant was required to file.

2. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped received at a local IRS office accompanied with a signed

cover letter acknowledging receipt by the IRS and a copy of his state tax returns provided applicant was required to file.

3. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e. Schedule C of federal form 1040, form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter and a copy of his state tax returns provided applicant was required to file. Transcripts are available at local IRS offices.

C. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:305B(14)(b).

D. If the applicant was not required to file a state tax return, the applicant shall provide a notarized affidavit certifying that he was not required to file a state tax return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:13.1.D.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:237 (March 1996), amended LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to

other agencies of government.

Interested persons may submit written comments on the proposed rule to David Lavergne, Socioeconomic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, December 4, 1997.

Daniel J. Babin

Chairman

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
October 2 , 1997.

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge LA., October 2, 1997.

WHEREAS, the Louisiana Department of Agriculture and Forestry (LDAF) has developed and begun the process of rule making for hunting of imported exotic deer and antelope, elk, and farm-raised white-tailed deer, and

WHEREAS, these rules will allow for the raising, propagation, and hunting of imported exotic deer and antelope, elk, and farm-raised white-tailed deer within the confines of pens specified by LDAF rules and regulations and approved by the Louisiana Department of Wildlife and Fisheries, and

WHEREAS, the LDAF does not have the legal or statutory authority to establish hunting seasons for any species, even in captivity, and

WHEREAS, the authority to establish hunting seasons has been vested with the Louisiana Wildlife and Fisheries Commission exclusively, and

WHEREAS, the Louisiana and Wildlife and Fisheries Commission has agreed to the attached Declaration of Emergency that includes season dates, legal methods of take and shooting hours, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission adopts the attached Declaration of Emergency to establish hunting seasons on imported exotic deer and antelope, elk, and farm-raised white-tailed deer, and

BE IT FURTHER RESOLVED, that formal rule making processes will be implemented to make this Declaration of Emergency a permanent rule that will be effective beyond the 120 days established by this Declaration of Emergency.

Daniel Babin, Chairman
La. Wildlife and Fisheries Commission

James H. Jenkins, Jr., Secretary
La. Department of Wildlife and Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

In accordance with the Emergency provisions of R.S. 49:953(B) of the Administrative Procedures Act, and under authority of Louisiana Constitution, Article IX, Section 7, Louisiana Revised Statutes 36:601 et seq and Louisiana R.S. 56:115 and 651 et seq., the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule:

Hunting Seasons for Farm Raised White-tailed Deer and Exotics

Hunting seasons:

Farm Raised White-tailed Deer: October 1- January 31.

Exotics: January 1- December 31

Shooting Hours: One half hour before sunrise to one half hour after sunset.

The following shall be legal methods of take for Farm Raised White-tailed Deer and Exotics:

Longbow (including compound bow) and arrow; shotguns not larger than a 10 gauge fired from the shoulder without a rest, loaded with buckshot or rifled slug; handguns and rifles no smaller than 22 caliber center fire; or muzzleloading rifles or pistols, 44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

A Declaration of Emergency is necessary to allow for hunting of deer in enclosed areas.. This action is in response to rules and regulations developed by the Louisiana Department of Agriculture and Forestry. While LDAF has the authority to regulate "alternative livestock", LDAF rules also impact white-tailed deer. The Louisiana Wildlife and Fisheries Commission is vested with the authority to regulate hunting seasons, thus the need for the Commission to establish hunting seasons for farm raised white-tailed deer and exotics if this program is to proceed.

The provisions of this Declaration of Emergency governing season dates, shooting hours and methods of take shall be subject to the penalties contained in R. S. 56:116.3.

For purposes of this Declaration of Emergency the term "Exotic" shall mean any animal of the family Bovidae and Cervidae which is not indigenous to Louisiana.

The aforementioned season dates, weapons and shooting hours will become effective on October 2, 1997 and extend for 120 days or until formal rule making is completed.

Daniel Babin

Chairman

COMMISSION MEETING
ROLL CALL

Thursday, October 2, 1997
Baton Rouge, LA
Wildlife & Fisheries Building

	Attended	Absent
N Daniel Babin (Chairman)	<u>✓</u>	<u> </u>
N Perry Gisclair	<u>✓</u>	<u> </u>
Y Tom Gattle	<u>✓</u>	<u> </u>
Y Glynn Carver	<u>✓</u>	<u> </u>
Y Joseph Cormier	<u>✓</u>	<u> </u>
Y Jerald Hanchey	<u>✓</u>	<u> </u>
Norman McCall	<u> </u>	<u>✓</u>

Mr. Chairman:

There are 6 Commissioners in attendance and we have a quorum.
Deputy Secretary Kimball
~~Secretary Jenkins~~ is also present.

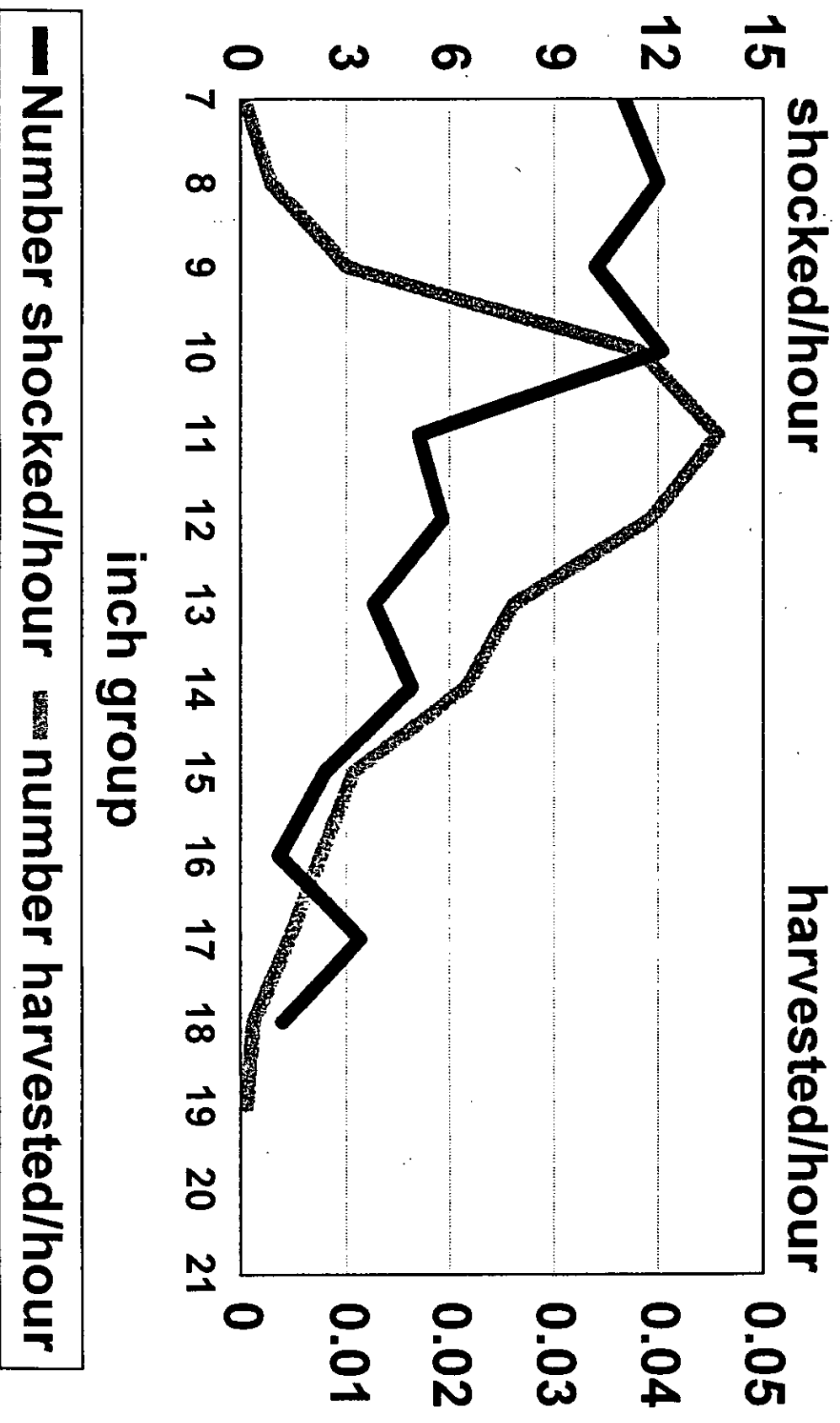
MINIMUM LENGTH LIMITS

General Use

- ▶ Protect the reproductive potential of fish populations (14" fish have spawned at least once, possibly twice before becoming available for harvest)
- ▶ Prevent over exploitation
- ▶ Increase angler catch rates (though not necessarily harvest rates)
- ▶ Promote the harvest of 'larger' fish

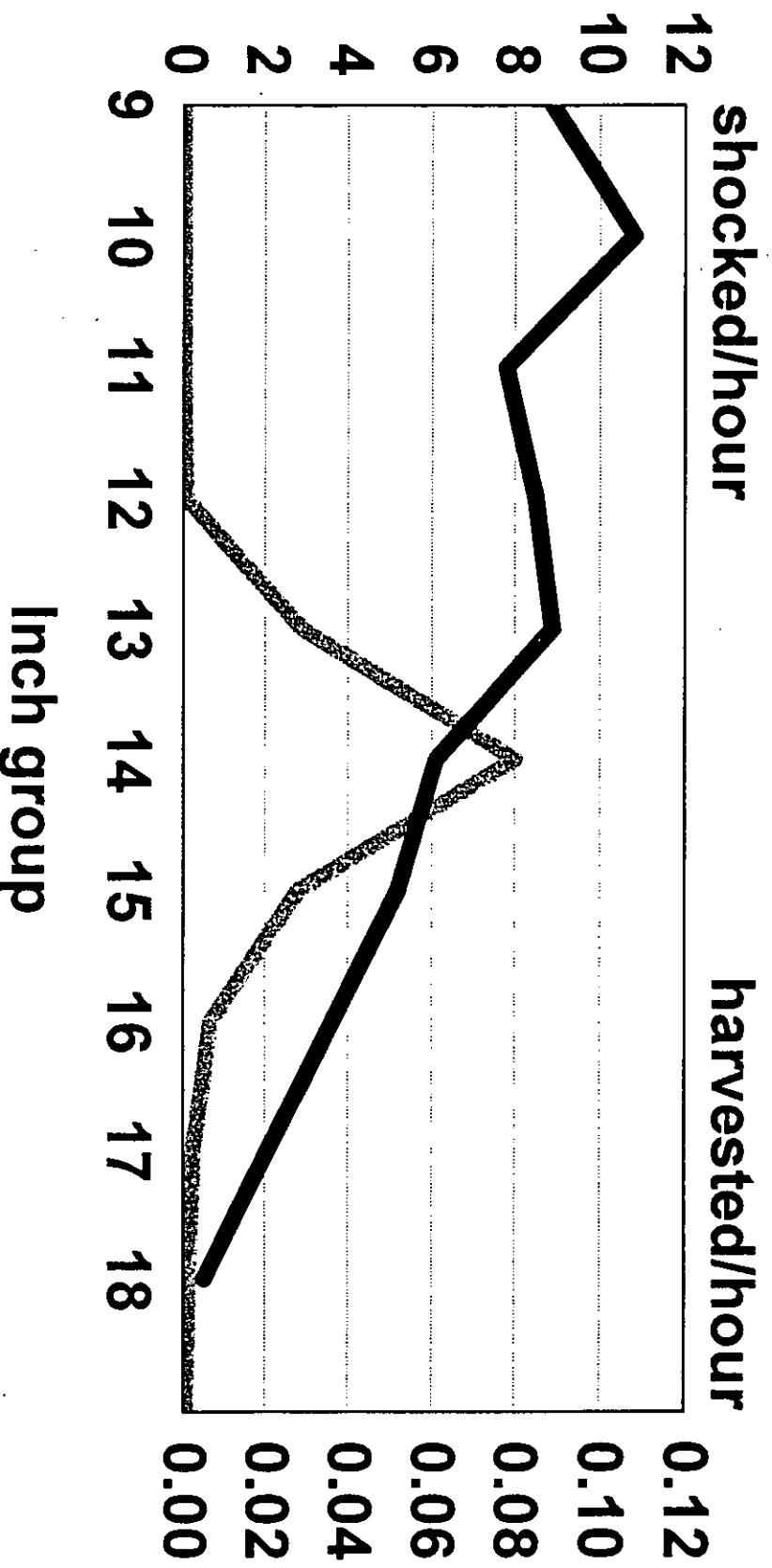
ATCHAFALAYA BASIN - LARGEMOUTH BASS

Pre-length Regulation Data



ATCHAFALAYA BASIN - LARGEMOUTH BASS

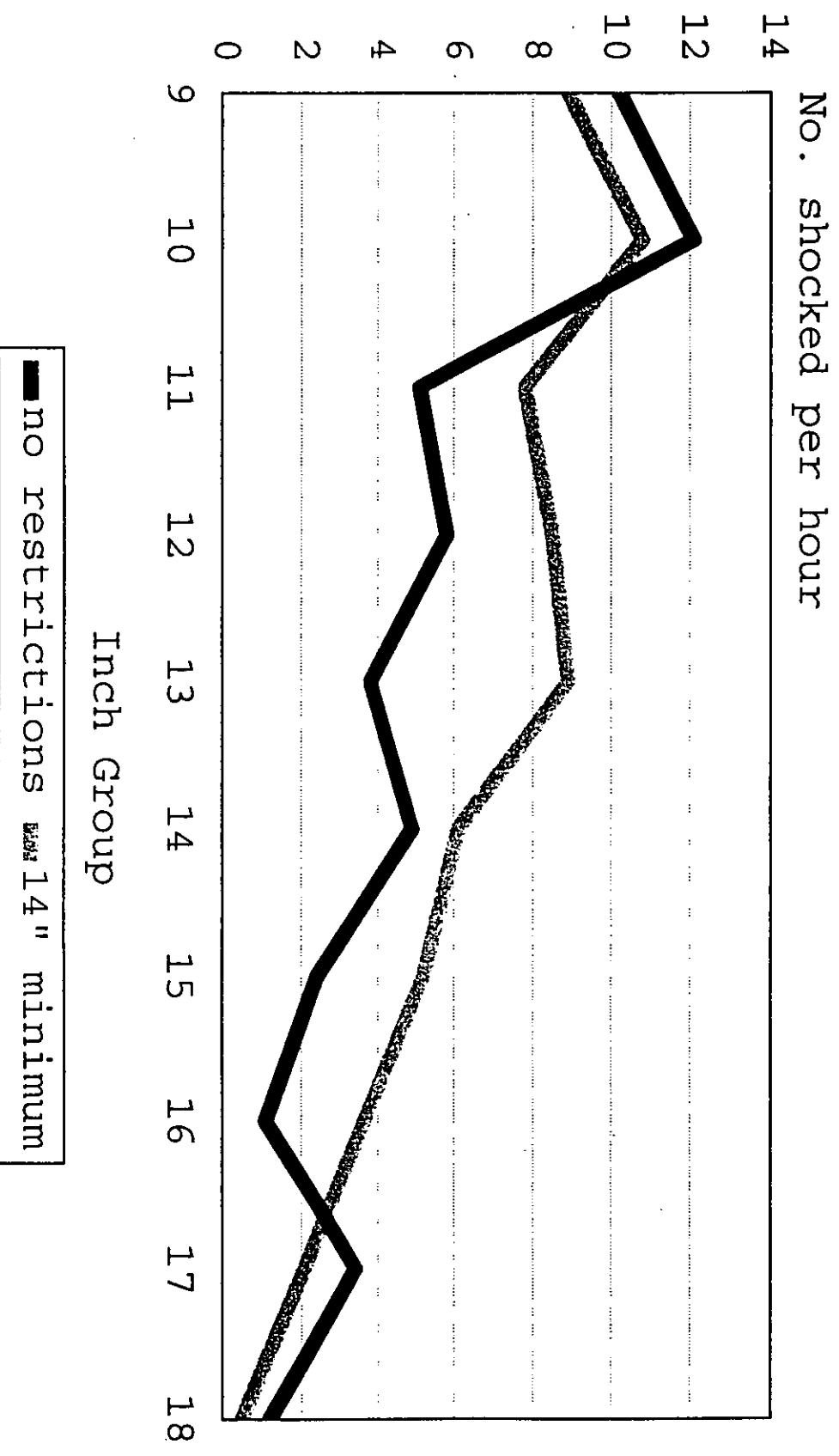
1996 Data - 14" Minimum



— number shocked/hour
- - - Number harvested/hour

ATCHAFALAYA BASIN ELECTROFISHING

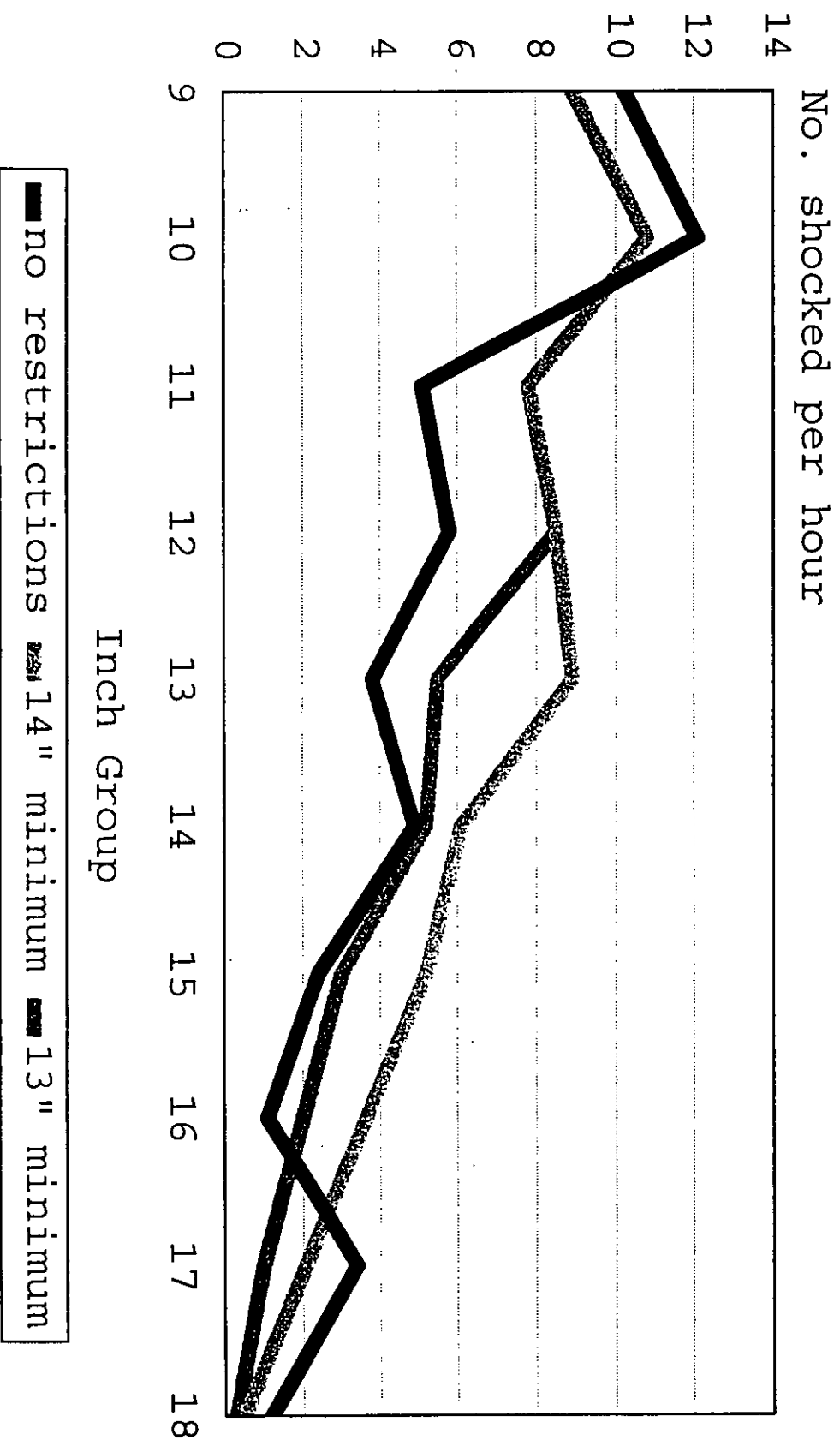
Pre and Post 14" minimum



pre = 1990 and 1991 average, post = 1996 data

ATCHAFALAYA BASIN ELECTROFISHING

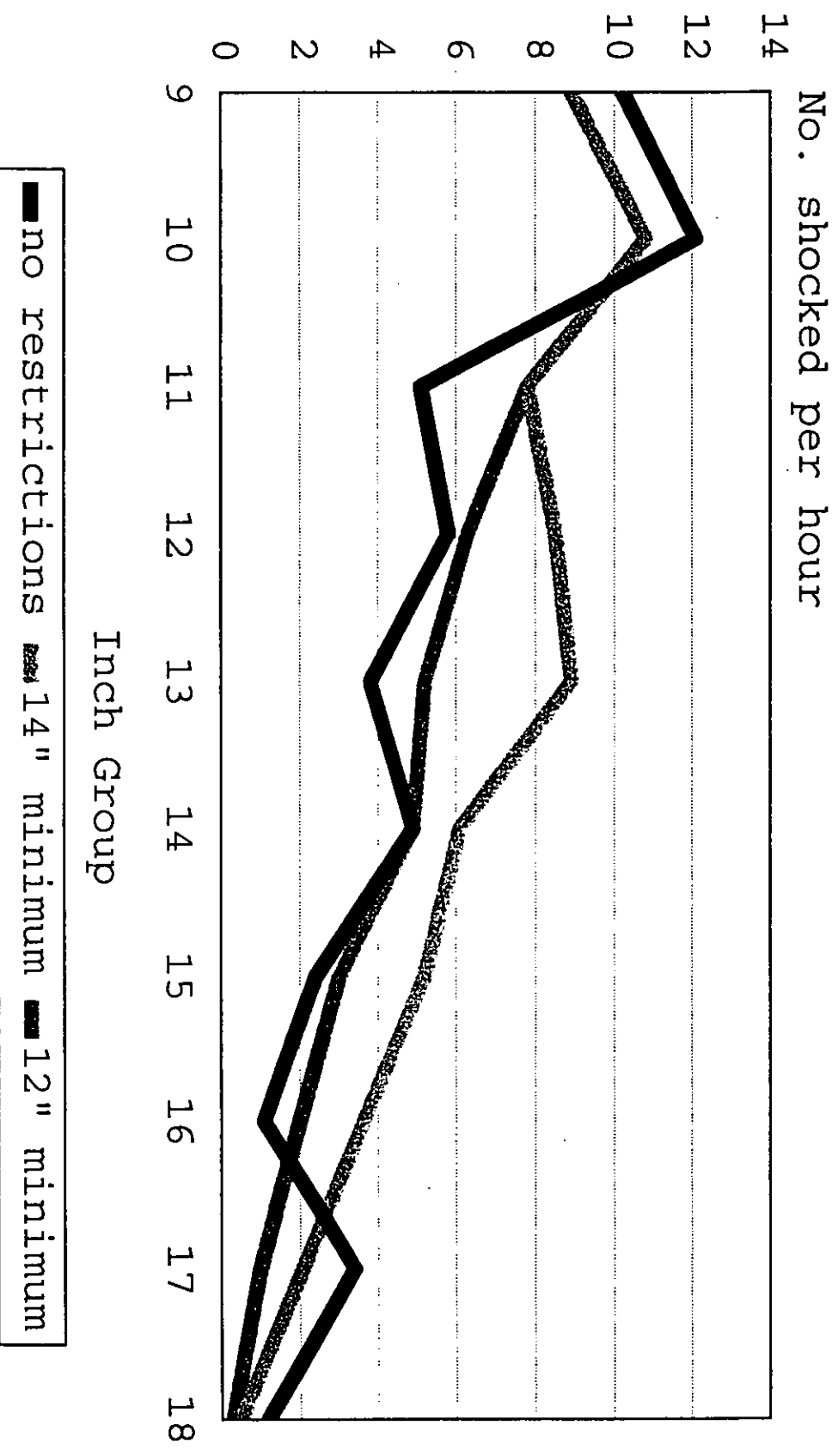
Pre and Post 14" minimum



pre = 1990 and 1991 average, post = 1996 data

ATCHAFALAYA BASIN ELECTROFISHING

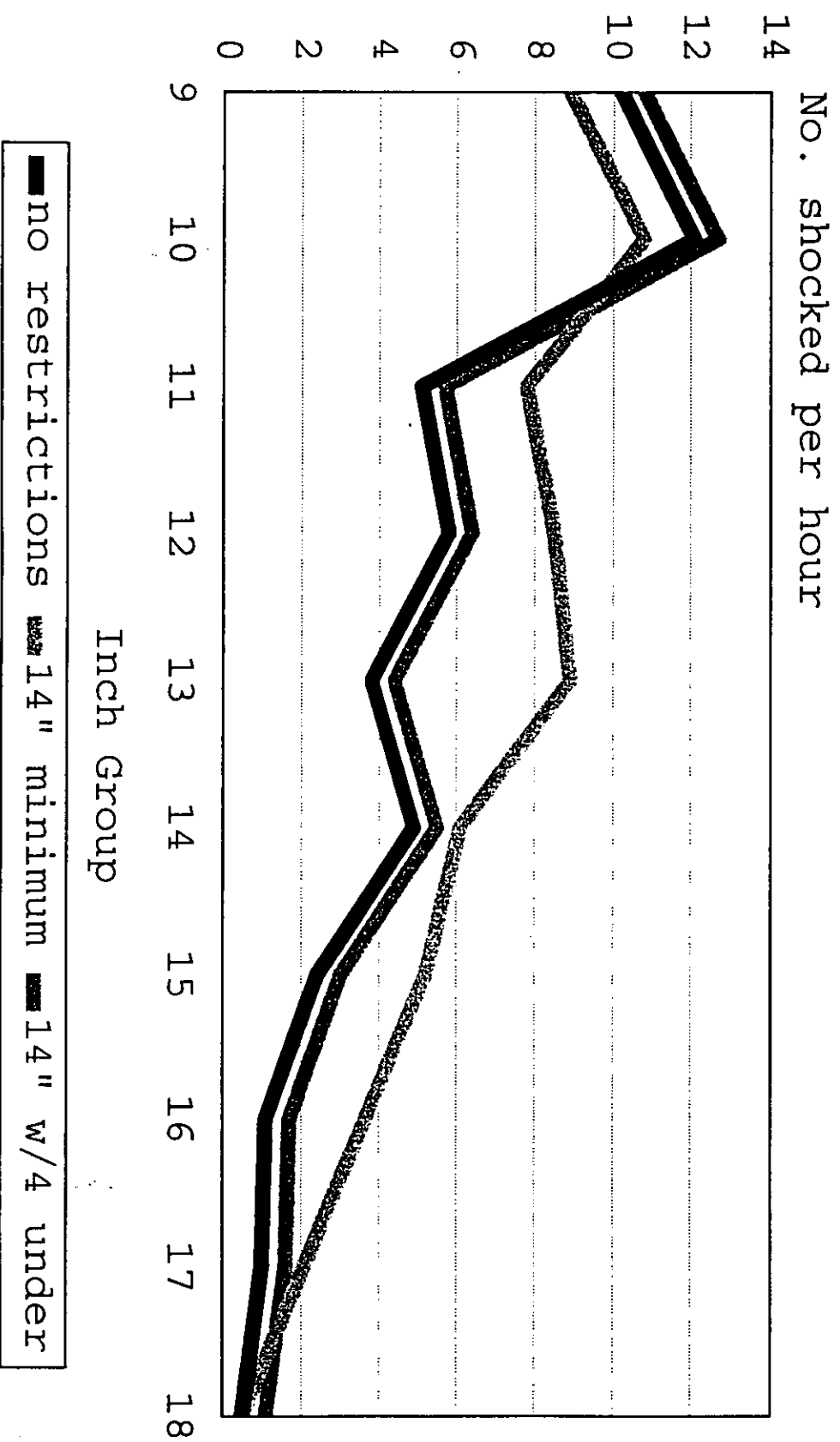
Pre and Post 14" minimum



pre = 1990 and 1991 average, post = 1996 data

ATCHAFALAYA BASIN ELECTROFISHING

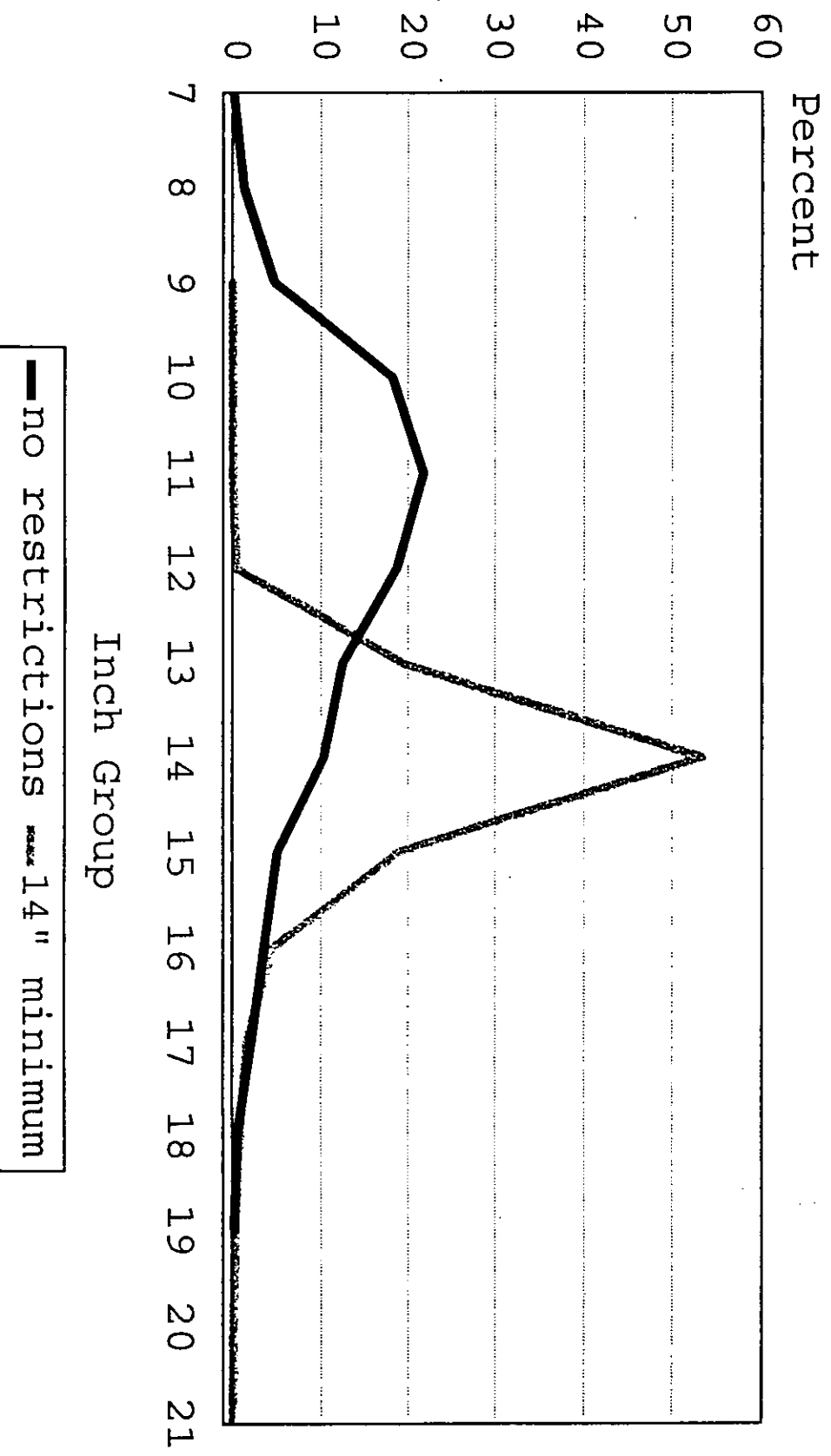
Pre and Post 14" minimum



pre = 1990 and 1991 average, post = 1996 data

ATCHAFALAYA BASIN

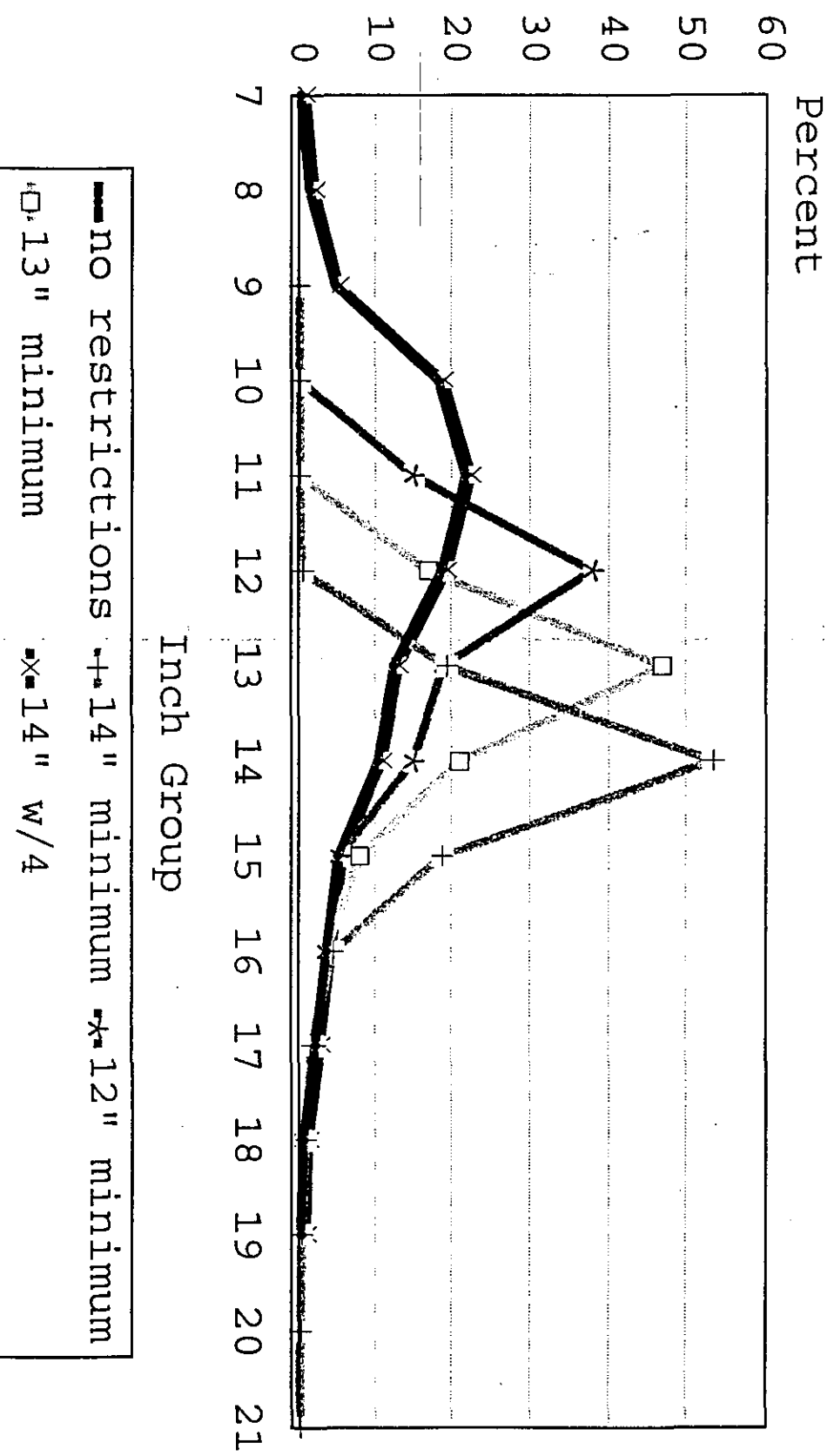
Largemouth Bass Harvested by Bass Anglers



no restrictions = 89-91 data; 14" = 96 data

ATCHAFALAYA BASIN

Largemouth Bass Harvested by Bass Anglers



no restrictions = 89-91 data; 14" = 96 data

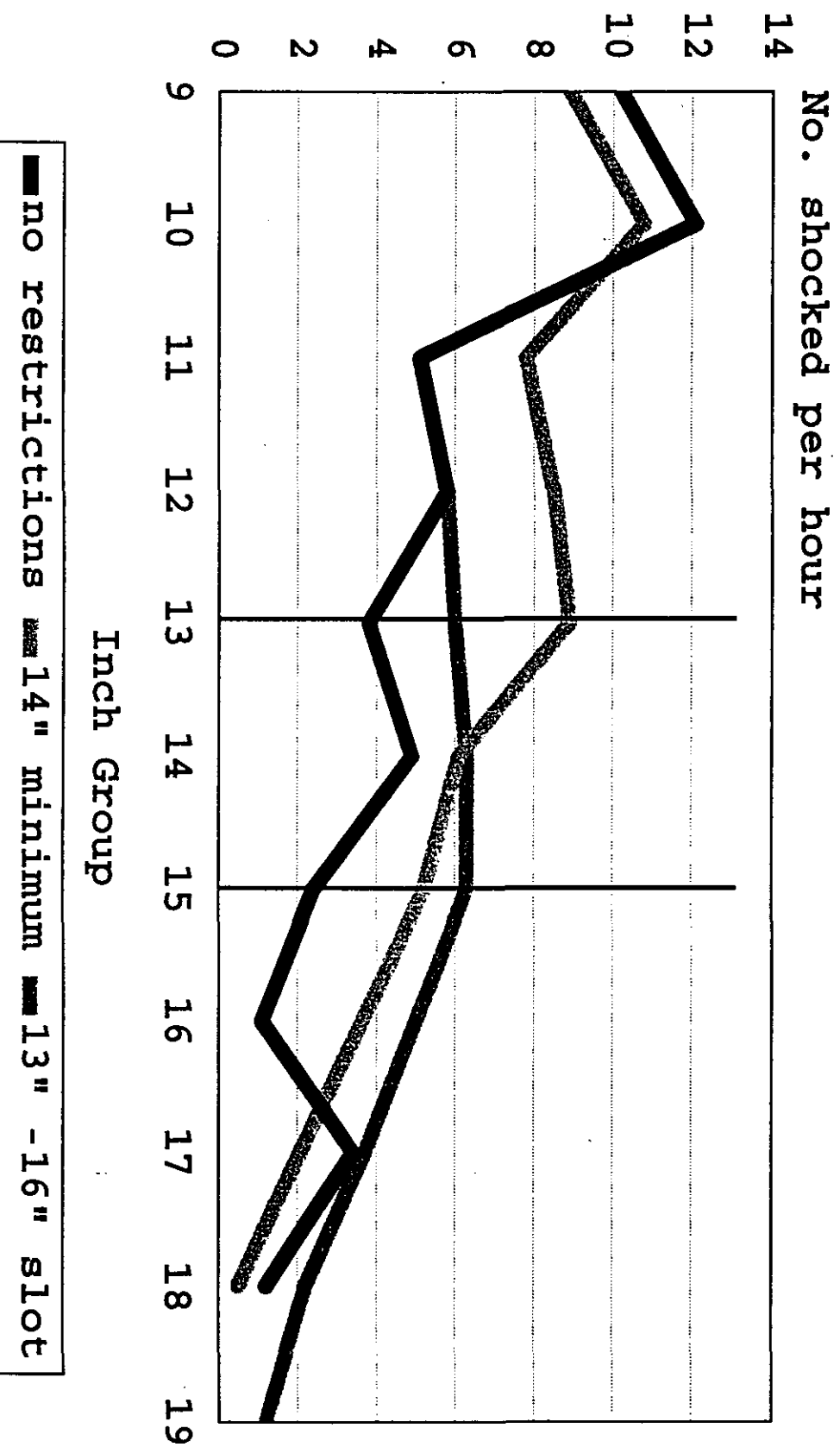
SLOT LIMITS

GENERAL USE

- ▶ High recruitment
- ▶ Low growth rates
- ▶ Increased numbers of protected size fish
- ▶ Promote growth of smaller fish
- ▶ Increase production of fish over the slot
- ▶ Allow harvest of fish below slot

ATCHAFALAYA BASIN

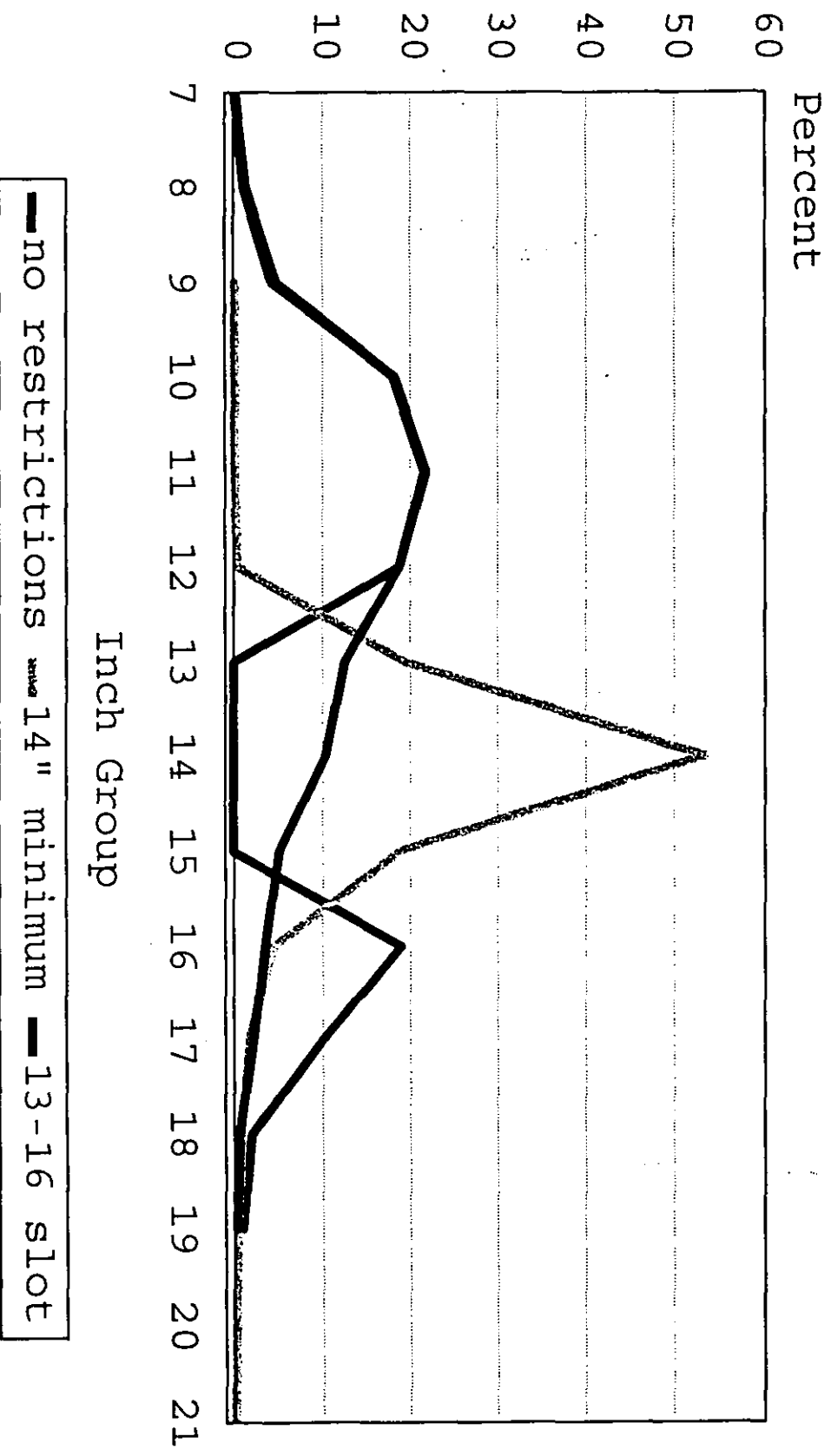
Slot Limit Discussion



pre = 1990 and 1991 average, post = 1996 data

ATCHAFALEYA BASIN

Largemouth Bass Harvested by Bass Anglers



no restrictions = 89-91 data; 14" = 96 data

ATCHAFALAYA BASIN CATCH STATISTICS

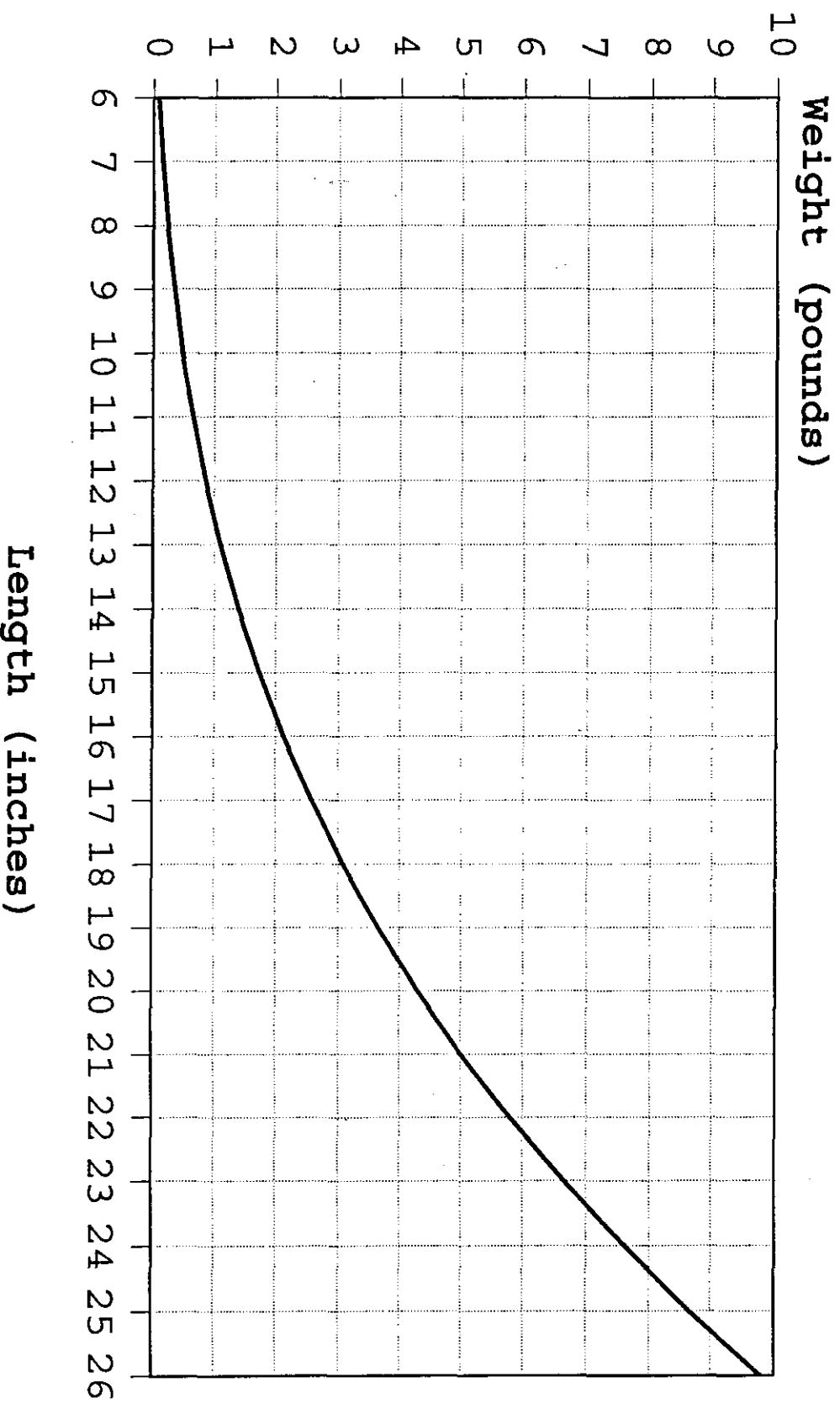
Largemouth Bass Caught by Bass Anglers

	No. caught /hour	No. harvested /hour	Pounds harvested /hour	Ave. weight (pounds)	% Bass anglers favoring
no restrictions	0.69	0.21	0.27	1.33	3
12" min.					10
13" min.					3
14" w/4 under					<1
14" min.	0.96	0.15	0.30	1.96	71
13" - 16" slot					10 (all slots)

no restrictions = average of 89-91 data; 14" = 96 data

LARGEMOUTH BASS

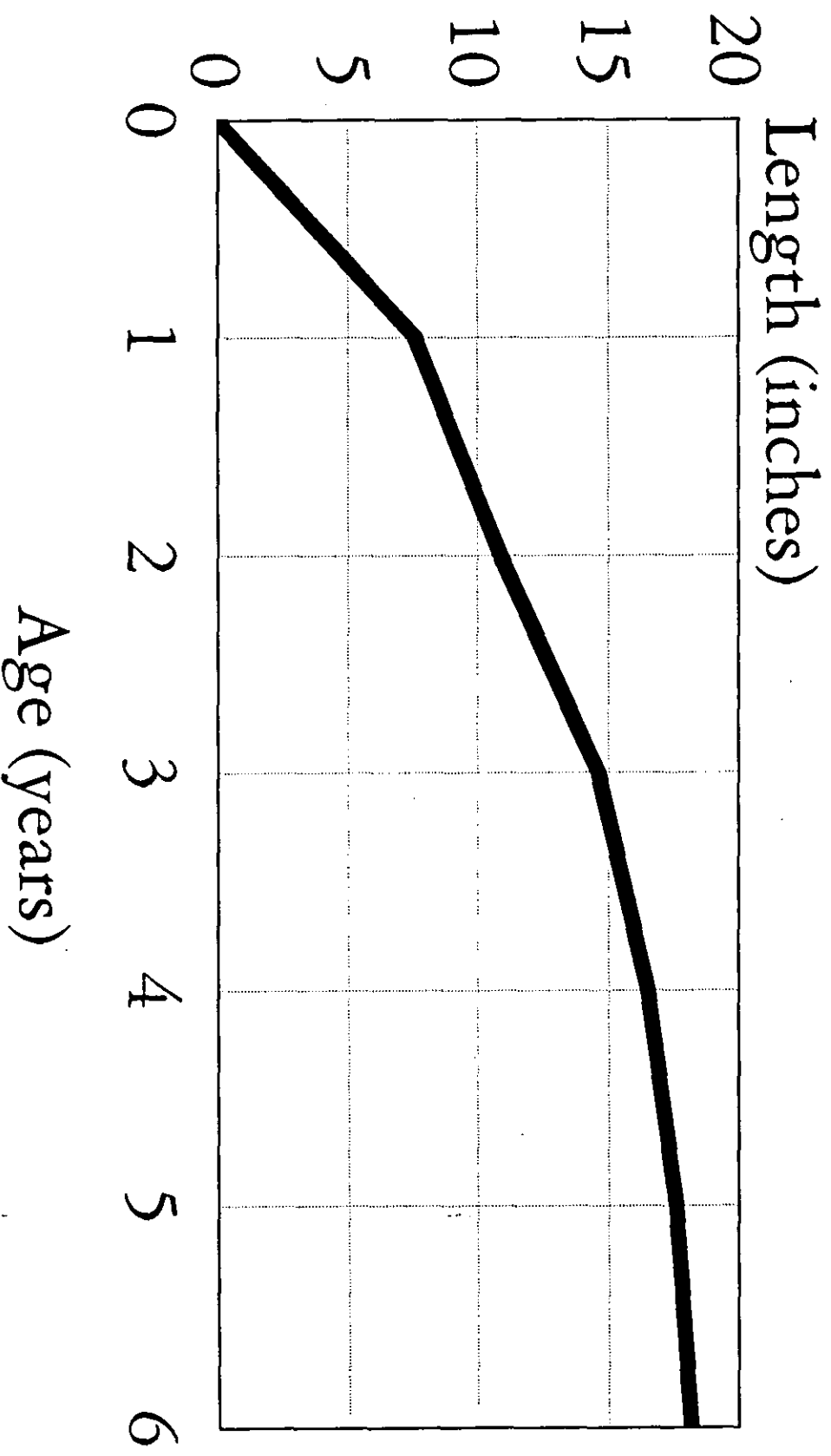
LENGTH-WEIGHT RELATIONSHIPS



data from 1995 & 1996 statewide database

ATCHAFALEYA BASIN

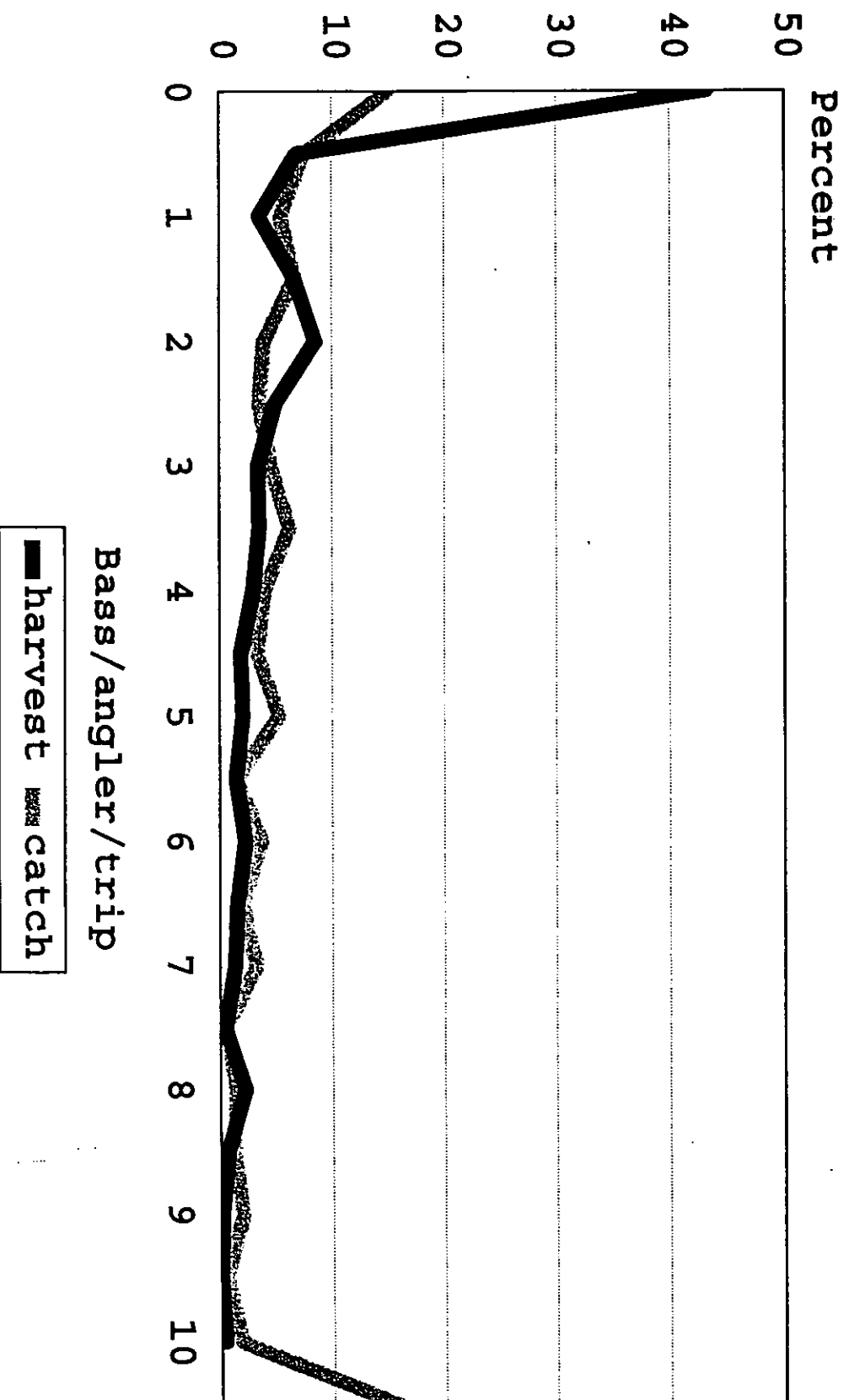
Largemouth Bass - Length at Age



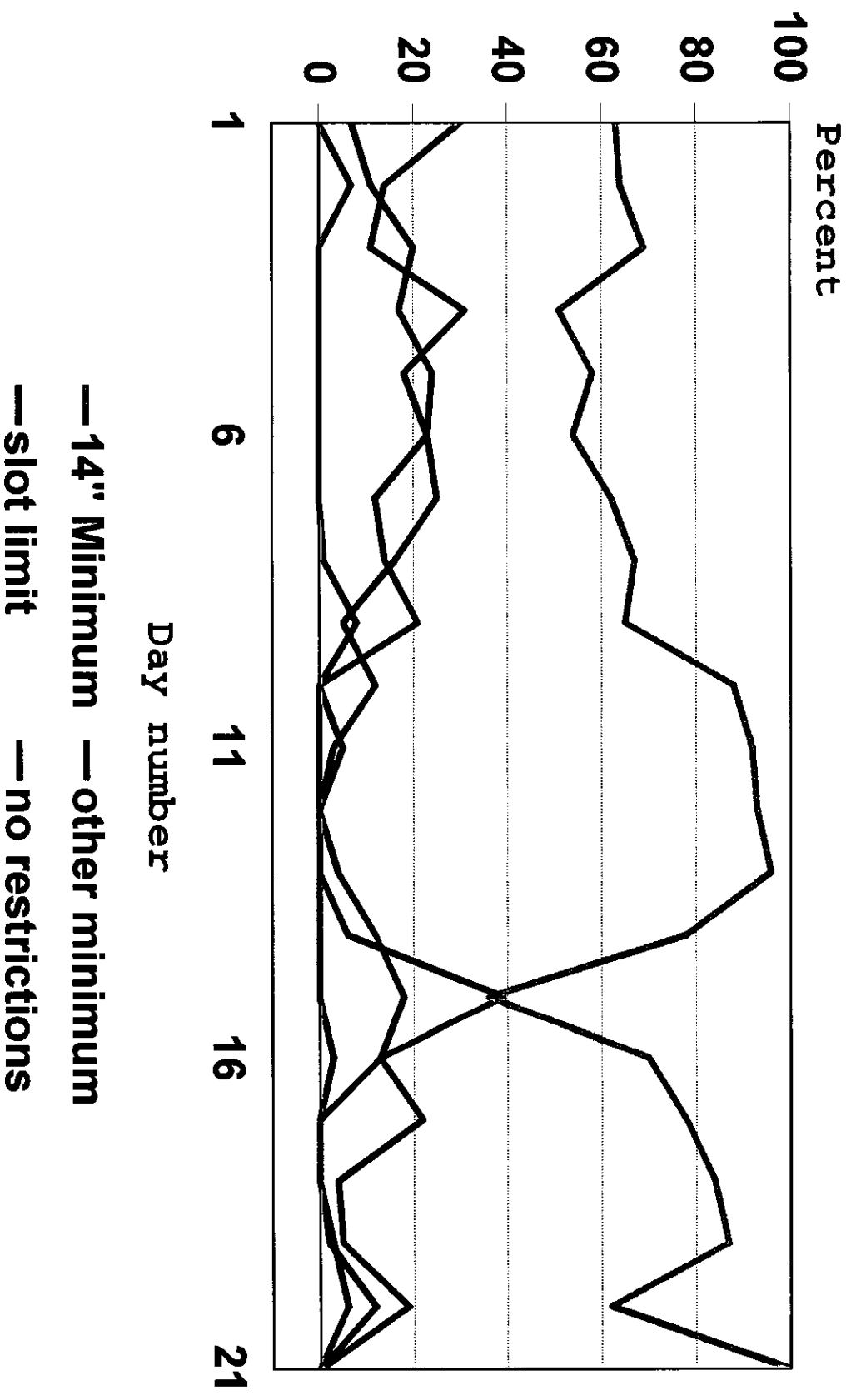
1996, entire basin

ATCHAFALAYA BASIN - CREEEL DATA

Pre-length regulation- Bass Fishermen



DAILY ANGLER OPINION LENGTH RESTRICTIONS IN BASIN



ENFORCEMENT CASE REPORT

SEPTEMBER 1997

ENFORCEMENT CASE REPORT-SEPTEMBER 1997

REGION 1

TOTAL CASES-83

W.A.&REFUGES-2

14-Boating

7-Angling W/O A License

19-Fishing W/O Resident Pole License

2-Take Game Fish Illegally

1-Take Illegal Size Black Bass

2-Hunting W/O Resident License

2-Hunting W/ Unplugged Gun

1-Failure to Comply W/Hunter Safety Regulations

1-Possession Of Illegally Taken Deer

1-Hunt Raccoons Illegally

1-Hunt MGB W/Unplugged Gun

23-Hunt MGB Over Baited Area

1-Hunt Ducks Other Than Teal During Teal Season

1-Hunt Doves Closed Season

1-Possession Over limit Of Doves

1-Not Abiding By Rules And Regs. On W.A.

2-Littering

1-Operate ATV On Public Road

2-Misc.

Page (2)

REGION 1 CONTD..

CONFISCATIONS:

1 motor, 1 black bass, 1 woodduck hen, 13 ducks, 13 doves, 1-6 foot cast net.

TOTAL OF EACH CATEGORY FOR REGION 1

14-Boating

2-Littering

29-Sport Fishing

7-Hunting

27-MGB

4-Misc.

REGION 2

TOTAL CASES-109

W.A.&REFUGES-14

5-Boating

1-Failure To Have Transport License

1-Sell Fish W/O Retail Seafood License

13-Angling W/O A License

6-Fish W/O A Resident Pole License

2-Take Illegal Size Black Bass

4-Hunting W/O Resident License

1-Possession Of Wild Quadrupeds W/O Permit

3-Take Squirrel Closed Season

1-Take Turkey Closed Season

2-Hunt MGB W/Unplugged Gun

36-Hunt MGB Over Bait

6-Hunt MGB Illegal Hours

1-Possession Of Live MGB Illegally

4-Aid And Abetting

1-Possession Of Marijuana

4-D.W.I.

8-Littering

Page (4)

REGION 2 CONTD..

1-Cruelty To Animals

8-Violations Of Title 32 Highway Regulatory Act

1-Ride A.T.V. Public Road

CONFISCATIONS:

4 guns, 2 live deer, 2 squirrels, 2 fully dressed hen turkeys, 63 lbs. Of shrimp sold to restaurant for \$220.50, 2 black bass, 1 bag marijuana, 1 marijuana cigarettes.

TOTAL OF EACH CATEGORY FOR REGION 2:

5-Boating

15-Other

2-Commercial Fishing

16-Public Assistance

21-Sports Fishing

8-Littering

58-Hunting

REGION 3

TOTAL CASES-92

W.A.&REFUGES-11

6-Boating

11-Angle W/O License In Possession

3-Fish W/O Resident Pole License

2-Angle W/O Non-Resident License In Possession

1-Using Recreational Gear W/O Gear License

1-Snagging Game Fish

3-Hunt W/O Resident License In Possession

1-Hunt W/O Resident Big Game License In Possession

3-Hunt With Unplugged Gun

2-Discharge Firearm From Public Road

5-Failure to Abide By Commission Rules

2-Hunt/Take Squirrels In Closed Season

1-Take Deer Illegal Hours

1-Take Spotted Fawn

3-Possess Ducks Other Than Teal-Teal Season

2-Using Lead Shot In Steel Shot Zone

23-Hunt MGB Over Baited Area

2-Aiding And Abetting Hunting Over Bait

1-Over limit Of Doves

1-Using Lead Shot In Steel Shot Zone

Page (6)

REGION 3 CONTD..

1-Take Deer From Public Road

2-Leave Untagged Birds With Another

3-Take Ducks Other Than Teal In Teal Season

2-Littering

4-Trespass On State Property

1-Theft

1-Burglary

1-Illegal Possession Stolen Firearm

3-Illegal Possession Of Marijuana

CONFISCATIONS:

67 doves, 8 woodducks, 6 teal, 8 squirrels, 24 lead shot.

TOTAL OF EACH CATEGORY FOR REGION 3:

6-Boating

2-Littering

18-Sport Fishing

24-Hunting

32-MGB

10-Other

Page (7)

REGION 4

TOTAL CASES-43

W.A.&REFUGES-22

2-Boating

4-Angling W/O A License

1-Fishing W/O Resident Pole License

1-Take Or Possess Gamefish Illegally

3-Use Illegal Mesh Nets

4-Hunting W/O Resident License

1-Hunting W/Unplugged Gun

2-Hunt MGB W/O State Stamp

1-Hunt Squirrel Closed Season

1-Hunting Ducks W/O Federal Stamp

14-Hunt MGB Over Baited Area

1-Field Possession Of Over The Limit Of Doves

5-Not Abiding By Rules and Regulations On W.A.'s

1-Use W.A. W/O License Or Stamp

1-Littering

1-Misc.

CONFISCATIONS:

66 crappie, 5 squirrels, 77 doves, 800 yards of gill net.

Page (8)

TOTAL OF EACH CATEGORY FOR REGION 4:

2-Boating

1-Littering

16-Federal

9-Fishing

8-Hunting

7-Other

REGION 5

TOTAL CASES-137

W.A.&REFUGES-36

25-Boating

11-Angling W/O A License

1-Take Or Possess Game Fish Illegally

3-Failure To Have Fish Intact (Saltwater)

1-Take Or Possess Undersize Red Drum

5-Take Or Possess Undersize Black Drum

2-Not Abiding By Commission Rules Recreational Finfish

1-Sell And Or Buy Fish W/O Wholesale/Retail Dealer's License

6-Blocking Passage Of Fish

1-Possess Over 20% Of Undersize Crabs

2-Take Or Possess Undersize White Shrimp

3-Take Shrimp Illegal Gear

6-Possess Firearm While Frogging

17-Not Abiding By Rules And Regs. On W.A.

1-Littering

2-Discharge Firearm From Public Road

1-Hunting W/O A License

1-Hunting From A Moving Vehicle

1-Hunt Across Public Road Or Road Right Of Way

1-Fail To Comply With Hunter Safety Regulations

REGION 5 CONTD.,

1-Hunt Squirrel Closed Season

1-Possess Squirrels Closed Season

1-Hunt Or Take Deer Closed Season

2-Hunt Ducks Or Geese W/O Federal Stamp

3-Hunt MGB With Unplugged Gun

3-Hunting MGB Illegal Hours

10-Hunting And Or Possess Ducks Other Than Teal During Teal Season

4-Hunting MGB From A Vehicle

1-Use Lead Shot In Area Designated As Steel Shot Only

1-Wanton Waste Of MGB

2-Hunting Doves Closed Season

6-Possess Over Limit Of Ducks

2-Taking Cranes-No Season

1-Hunt MGB Without State Stamp

2-Hunt MGB Without State Hunting License

2-Hunt MGB From Public Road

1-Illegal Possession Of Drugs Or Marijuana

2-Possession Of Stolen Things

1-DWI

CONFISCATIONS:

5 squirrels, 1 raccoon, 3 shotguns, 2 rifles, 2 pistols, 5 doves, 10 woodducks, 1 gray duck,

REGION 5 CONTD..

CONFISCATIONS CONTD..

3 spoonbill ducks, 28 teal ducks, 790 lbs. Of shrimp, 5 butterfly nets, 11 ice chests of shrimp, 2 baskets of shrimp, 1-48 quart ice chest, 1-7 foot cast net, 9 black drum, 1 red drum, 4 cobia, 4 king mackerel, 1 Spanish mackerel, 10 frogs, 1 box of crabs approx. 100 lbs., 1 cattle egret, 1 doe deer, monies collected for seafood \$962.80.

TOTAL OF EACH CATEGORY FOR REGION 5:

25-Boating 12-Public Assistance

62-Fishing

50-Hunting

REGION 6

TOTAL CASES-117

W.A.&REFUGES-27

48-Boating

24-Angling Without A License In Possession

5-Fish Without A Resident Pole License

1-Use Gear Without Recreational Gear License

11-Take Illegal Size Black Bass

1-Fail To Maintain Records

1-Use Illegal Length/Mesh Nets-Freshwater

1-Failure To Mark/Tag Nets

2-Not Abiding By Rules And Regs. On Refuge

1-DWI

1-Illegal Possession Of Stolen Things

1-Trawling

5-Take Squirrel In Closed Season

6-Hunt Without Resident License

1-Hunting With Unplugged Gun

1-Fail To Comply With Hunter Safety Regulations

1-Wanton Waste Of MGB

6-Using Lead Shot In Area Designated As Steel Shot Only

CONFISCATIONS:

34 black bass, 8 foot trawl, ½ lb. shrimp, 1 Yamaha wave runner, 1 nuisance animal

REGION 6 CONTD..

CONFISCATIONS CONTD..

control permit #NAC 97-005, 3 gill nets, 1 ice chest, 1 cast net, 49 lbs. Of shrimp, sold for \$129.85, 3 shotguns, 1 rifle, 3 leadshot shells, 1 box 12 gauge #6 leadshot shells, 34 lbs.of shrimp sold for \$68.00, 2 squirrels.

TOTAL OF EACH CATEGORY FOR REGION 6:

48-Boating 1-Public Assistance

41-Sport Fishing

3-Commercial Fishing

2-W.A.

2-Misc.

1-Trawling

13-Hunting

7-Federal

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REGION 7

TOTAL CASES-136

W.A.&REFUGES-4

47-Boating

46-Angling Without A License

13-Angling Without Non-Resident License

2-Angling Without A Pole License

1-Possessing Undersize Commercial Fish

1-Angle Without Saltwater License

4-Angle Without Non-Resident Saltwater License

1-Take Undersize Red Drum

5-Hunt Without Resident License

2-Hunt MGB With Unplugged Gun

1-Hunt MGB Over Bait

1-Possess Over limit Of Doves

4-Not Abiding By Rules And Regs. On W.A.

3-DWI

1-Careless Operation

2-Suspended Drivers License

2-Trespassing

CONFISCATIONS:

260 eel catfish, 4 red drum, 7 doves.

TOTAL OF EACH CATEGORY FOR REGION 7:

47-Boating

4-W.A.

1-Commercial Fishing

67-Sport Fishing

7-Hunting

3-MGB

7-Other

REGION 8

TOTAL CASES-192

W.A.&REFUGES-34

34-Boating

44-Angle W/o Basic License

1-Allow Another To Use Recreational License

12-Angle W/O A Non-Resident License

1-Use Gear W/O Recreational Gear License

1-Angle W/O A Saltwater License

3-Angle W/O A Non-Resident Saltwater License

1-Fail To Have Saltwater Stamp As Per 56:13.1 E

2-Possess Over The Limit Of Red Drum In Excess Of 27"

5-Fail To Have Saltwater Fish Intact

2-Take/Possess Undersized Speckled Trout

1-Take/Possess Undersized Black Drum

2-Fail To Comply With Charter Boat Regulations

1-Fail To Have Commercial License In Possession

7-Take Or Sell Commercial Fish W/O Commercial Gear License

2-Take Commercial Fish W/O Commercial Gear License

1-Take/Possess Commercial Fish W/O Vessel License

1-Sell Or Buy Fish W/O Retail Seafood Dealer's License

1-Allow Another To Use Commercial License

3-Allow Unlicensed Fisherman To Use Commercial Vessel Or Vessel License

REGION 8 CONTD.,

3-Allow Unlicensed Fisherman To Use Commercial Gear License

1-Permit Unlicensed Person To Operate Commercial Vessel

1-Take/Possess Oysters W/O Oyster Harvester's License

20-Take Undersize Oysters From Natural Reef

1-Harvest Oysters W/O Oyster Harvester's License

1-Hunt W/O Resident License

1-Take Alligators W/O A License

1-Take Or Possess Alligators Closed Season

1-Hunt Ducks W/O Federal Duck Stamp

1-Hunt MGB With Unplugged Gun

1-Hunt MGB Illegal Hours

4-Hunt And Or Possess Ducks Other Than Teal During Teal Season

2-Hunt MGB From Moving Motorboat

1-Transport Completely Dressed MGB

2-Wanton Waste Of MGB

4-Use Lead Shot In Area Designated As Steel Shot Only

1-Possess Over The Limit Of Ducks

3-Take Killdeer-No Season

1-Hunt MGB W/O State Hunting License

1-Violate Endangered Species Act

6-Obtain License By Fraud

REGION 8 CONTD..

1-Violation Of Sanitary Code-Chapter 9-Fail To Refrigerate Properly

5-Violation Of Sanitary Code-Vessel Regs.

4-Other

CONFISCATIONS:

15 red drum, 5 doves, 2 gallinules, 3 bags of tuna, 79 lbs. Of king mackerel sold for \$46.80, 4,746 lbs. of shrimp sold for \$17,342.90, 446 sacks of oysters, 145 lbs. Of bonita, 5 king mackerel, 2 trawls, 1 log sheet, 6 basic fishing license, 3 marine conservation stamp, 1 commercial gear license, 45 lead shotgun shells, 25 speckled trout, 3 killdeer, 23 ducks, 2 bags of wahoo, 4 black drum, 1 mottled duck, 1 alligator skin, 1 ice chest, 1 seafood records, 3 saltwater licenses, 2 commercial licenses, 1 commercial vessel license.

TOTAL OF EACH CATEGORY FOR REGION 8:

34-Boating

75-Sport Fishing

29-Commercial Fishing

23-Oysters

1-Hunting

2-Alligators

21-MGB

6-Other

1-Federal

SHRIMP ACTIVITY REPORT

REGION 8 ENFORCEMENT

COMPLAINTS

1. No shrimp complaints were received this month. Activity was minimal in inside waters. Activity in outside waters was largely in compliance-all seasons open.

Patrols

1. Regular patrols by boat have been continued. Only a few license cases were made on shrimpers. Most shrimpers checked were in compliance. Shrimp effort was down due to lack of shrimp.

Inquiries

1. We received numerous inquiries for TED information, which were referred to the LSU Cooperative Extension Service Fisheries Agent Gerald Horst.
2. We received fewer calls regarding the shrimp season openings and closings.
3. There was also a few calls regarding the change back to 1-1/4 inch mesh for the fall season.

CASES

4-No Commercial Fisherman's License

1-No Commercial Gear License

1-Allow Another To Use Commercial Fisherman License

1-Allow Another To Use Commercial Vessel/License

SHRIMP ACTIVITY REPORT CONTD.

1-Allow Another To Use Commercial Gear/License

Seized and sold a total of 4,746 lbs. Of shrimp sold for \$17,342.90.

REGION 9

TOTAL CASES-216

W.A.&REFUGES-89

84-Boating

16-Angling W/O A License

1-Angling W/O A License Non-Resident

3-Angling W/O A Saltwater License

3-Fail To Have Saltwater License

1-Take Gamefish Illegally

1-Possess Over limit Of Red Drum

1-Take Illegal Size Black Bass

7-Take Undersize Red Drum

2-Take Undersize Spotted Sea Trout

4-Take Undersize Black Drum

1-Take Overlimit Of Black Drum

2-Take Commercial Fish W/O Commercial License

6-Take Commercial Fish W/O Commercial Vessel License

4-Take Commercial Fish W/O Commercial Gear License

2-Take Undersize Commercial Finfish

1-Permit Unlicensed Person To Operate Commercial Vessel

1-Permit Unlicensed Person To Use Commercial Gear

5-Possess Over 20% Undersize Crabs

1-Harvest Oysters W/O Oyster Harvester License

REGION 9 CONTD..

2-Use Oversize Skimmers

7-Failure To Display Proper Number On Vessel

5-Hunting W/o Resident License

1-Hunting W/unplugged Gun

2-Hunt MGB W/o State Stamp

7-Hunting Ducks W/O Federal Stamp

3-Hunting MGB With Unplugged Gun

4-Hunting MGB With Live Decoys

3-Hunting MGB Over Baited Area

7-Possess Ducks Other Than Teal During Teal Season

6-Using Lead Shot In Area Designated As Teal Shot Only

6-Possess Over limit Of Ducks

1-Hunt MGB W/O State Stamp

1-Hunt MGB W/O State Hunting License

3-Not Abiding By Rules And Regs. On W.A. By Frogging After Hours

11-Not Abiding By Rules And Regs. On W.A. Illegal Hours

2-Illegal Possession Of Marijuana

CONFISCATIONS:

2100 lbs. Of crabs released, 36 lbs of catfish sold for \$16.20, 68 catfish donated, 179 catfish released, 92 lbs. Of shrimp disposed, 25 red drum, 13 black drum, 15 speckled trout, 1 large mouth bass, 11 doves donated, 3 mottled ducks, 28 teal ducks, 4 wood

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REGION 9 CONTD.

CONFISCATIONS CONTD.

ducks, 13 gallinules, 80 sacks of oysters, 5 bull frogs, 1 shotgun, 1-25 hp. Outboard motor, 1 commercial license, 1 commercial gear license, 1 commercial oyster harvester license, 1 cast net, 2 packs of cigarette rolling paper, 2 roaches and marijuana cigarette boxes, 1 marijuana cigarette, 1 bag marijuana, 1 shrimp basket, 1 fish tub.

TOTAL OF EACH CATEGORY FOR REGION 9:

84-Boating

39-Sport Fishing

21-Commercial Fishing

2-Trawling

8-Oysters

8-Hunting

38-MGB

16-Other

OYSTER STRIKE FORCE

TOTAL CASES-144

2-Take Oysters Without Commercial Fisherman License

4-Take Oysters Without Harvester License

16-Violation Of Sanitation Code-No Harvester Log Book

3-Allow Unlicensed Fisherman To Use Vessel License

2-Allow Unlicensed Fisherman To Use Commercial License

3-Allow Another To Use Unlicensed Fisherman To Use Gear License

58-Take Undersize Oysters From State Seed Grounds

2-Take Undersize Spotted Sea Trout

4-Take Undersize Red Drum

16-Angling Without Basic License

11-Fishing Without Saltwater License

11-Fishing Without Marine Conservation Stamp

9-Take Undersize Black Drum

2-Take Over limit Of Black Drum

1-Careless Operation Of A Motor Vessel

CONFISCATIONS:

1061 sacks of oysters, 6 spotted sea trout, 5 red drum, 39 black drum,

TOTAL OF EACH CATEGORY FOR REGION 9:

53-Recreational Fishing

89-Commercial Fishing

SEAFOOD INVESTIGATIVE UNIT

TOTAL CASES-24

**SPECIAL NOTE: *Felony Indictments issued
for: Lacy Act, Conspiracy
And principles; Robert Collins,
Christopher Hernandez, Bobby
Collins Seafood Inc.,James
Thompson .**

3-Take Undersize Red Drum

1-Take Undersize Black Drum

1-Take Commercial Fish Without Commercial License

1-Take Commercial Fish Without Gear License

1-Take Commercial Fish Without Vessel License

2- Fail To Maintain Records

1-Fail To Comply With Menhaden Bait Regulations

1-Fail To Report Commercial Fishery Data

2-Possess Marijuana and Drug Paraphernalia

1-DWI

3-Other Than Wildlife And Fisheries

1-Federal Magnuson Act (Red Snapper Overage)

6-Felony Lacy Act Violations

SEAFOOD INVESTIGATIONS CONTD.

CONFISCATIONS:

2,627 lbs. Of red snapper sold for \$3,469.25, 2,180 lbs. Of shrimp sold for \$6,244.00, 130 lbs. Of king mackerel sold for \$163.50, 230 lbs. Of bonito donated, 5 undersize red drum donated, 2 undersize black drum donated, 1 bag marijuana.

TOTAL OF EACH CATEGORY FOR SEAFOOD INVESTIGATIVE UNIT:

4-Recreational Fishing	14-Commercial Fishing	6-Misc.
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SPECIAL STRIKE FORCE

TOTAL CASES-101

4-Boating

2-Hunt MGB W/O State Stamp

4-Hunt MGB With Unplugged Gun

4-Hunt MGB Illegal Hours

18-Hunt MGB Over Bait

21-Not Abiding By Rules And Regs. On W.A.

1-Fail To Have Fish Intact

1-Fail To Comply With Charter Boat Regs.

1-Hunt Snipe Closed Season

18-Angling W/O A License

1-DWI

5-Take Or Possess Undersize Red Drum

2-Take Or Possess Overlimit Black Drum

2-Take Or Possess Undersize Black Drum

1-Possess Untagged MGB

1-Possess Over 2-Day Limit Of MGB

1-Use Illegal Size Mesh

1-Littering

1-Take Crane-No Season

SPECIAL STRIKE FORCE CONT'D.

1-Take Or Possess Other Non-Game MGB

1-Take Or Possess Game Fish Illegally

2-Use Lead Shot In Area Designated As Steel Shot Only

3-Take Or Possess Undersize Spotted Sea Trout

1-Angling W/O A Saltwater License

2-Possess Overlimit Of Doves

1-Hunt Without A License

1-Reckless Operation Of A Vehicle

CONFISCATIONS:

107 doves, 20 teal, 1 egret, 1 yellow lead shore bird, 1 snipe, 19 speckled trout, 17 black drum, 15 redfish, 63 crappie, 2 stripped bass, 1 white bass, 10 lbs. Of tuna filets, 1100 yards of gill net.

TOTAL OF EACH CATEGORY FOR SPECIAL STRIKE FORCE:

4-Boating

1-Littering

34-Sport Fishing

34-MGB

21-WMA

3-Hunting

3-Commercial Fishing

1-DWI

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S.W.E.P.

TOTAL CASES-47

RUNNING TIME-74

BOATS CHECKED-263

10-Boating

4-Angling Without Resident License

1-No Commercial License In Possession

1-No Oyster Harvester License In Possession

2-Vioaltion Of Sanitation Code-Chapter 9 Daily Log

6-Fail To Have Commercial Fish Intact

2-Take/Possess King Mackerel Closed Season

4-Take Commercial License No Commercial License

4-Allow Unlicensed Person To Use Vessel License

5-Allow Unlicensed Person To Use Commercial Gear License

4-Allow Another To Use Commercial License

2-Possession Overlimit Red Drum in Excess Of 27 inches

2-Failure To Comply With Visual Distress Sign

CONFISCATIONS:

4,708 lbs. Of shrimp sold for \$17,257.77, 6 red drum, 6 king mackerel, 17 red snapper,

38 lbs. Of brown shrimp, 5 zip lock bags of variety fish, 2 dolphin filets, 2 king mackerel.

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S.W.E.P. CONTD.

TOTAL OF EACH CATEGORY FOR S.W.E.P.:

10-Boating

30-Commercial

7-Recreational

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TOTAL W.A.&REFUGES- 239

TOTAL CASES -1125

ENFORCEMENT AVIATION REPORT

OCTOBER, 1997

September

185-Amph. - 61092
Hrs. - 26.0

185-Float - 70365
Hrs. -

210 - 9467Y
Hrs. - 43.0

Enforcement Hours - 40.4

Other Divisions - 28.6

Total Plane Use - 69.0 Hrs.

Opening Weekend 1997 Dove Season Summary Report

Opening weekend of dove season varied considerably, depending on the region. The north portion of the state traditionally reports the best hunting but, an unexpected cold front moved many of the doves out of the more northern parishes making the hunting extremely scattered and unpredictable. The general hunting report from north Louisiana was poor and worse than usual. Exceptions to the poor hunting reports were a few good hunts over sunflower fields in Caddo and Bossier Parishes, and the leased field in Ouachita Parish.

Reports of high numbers of doves were reported before the cold front in central and north Louisiana, but hunting over the weekend was limited due to low number of public fields. Reports from southeastern Louisiana considered the opening weekend to be average and apparently not effected by the cooler weather.

Leased Fields

The department leased 6 fields totaling 1,698 acres with a total of 650 hunters participating. All of the hunters were appreciative of the opportunity to hunt doves on the leased land and actively support the continuation of the program. Participation was a little less than expected on the W. Baton Rouge field, but weather conditions (rain and muddy fields) were probably a factor. The total cost of the leased fields was \$6,750 and \$5,380 was collected. The percent of hunters 15 or younger ranged from 0 to 26%. The 435-acre field in Ouachita Parish had the highest success rate of 5.2 doves per hunter. Overall, the public dove hunts were considered a success by everyone involved i.e, landowners, hunters and department personnel.

Districts at-large and Wildlife Management Areas

District I

Bodcau: poor due to weather conditions
Bayou Pierre: poor, due to weather conditions

District II

Bayou Macon: very poor, doves were scattered

District III

Sabine: high number of doves reported before the weekend

District IV

Conditions poor and hunting worse than usual

District V

No fields available public or leased

District VI

Two leased fields available with moderate success for hunters

District VII

Sandy Hollow: Most of Sandy Hollow was poor except for one field on the north end on opening day had 76 hunters 306 doves. Sunday was poor over the entire area.

Table 1. Statistics from leased dove fields for the opening weekend of the 1997 dove season.

Location of Field	Size of Field	Total Number of Hunters	Number of Adults	Number of Minors	Total Bag	Number of Doves/Hunter	Amount of Money Collected
Avoyelles	200	81	60	21	98	1.2	\$ 570
Ouachita	435	98	76	22	508	5.2	\$ 760
Tangipahoa	80	67	57	10	123	1.8	\$ 570
Tangipahoa	224	164	137	27	663	4.0	\$1,380
Washington	119	70	70	0	99	1.4	\$ 700
W. Baton Rouge	640	170	142	28	303	1.2	\$1,400
TOTALS	1,698	658	542	108	1,794	2.7	\$5,380

Dove Field Leases Available September 6, 1997

Tangipahoa Parish

Wilmer, LA - 80 acres: Take I-55 north to the Arcola exit. Go east to U.S. Hwy. 51. Turn right on U.S. 51 for a short distance to LA Hwy. 10. Turn left on LA 10 and travel to Wilmer. There is a store and fire station on the right side of the road in Wilmer. Turn right (south) on LA Hwy 1061 in Wilmer. Go about 3/4 mile to the Jackson Rd. Turn right on the Jackson Rd. and follow the signs to the dove field.

Wilmer, LA - 224 acres: Same directions as above, except do not turn on the Jackson Rd. Continue on LA Hwy 1061 to the Linc Morris Rd., this is about 3.6 miles from the Hwy 10 and Hwy 1061 intersection at Wilmer. Turn left on Linc Morris Rd and follow the signs to the field.

Washington Parish

Stoney Point, LA - 119 acres: Same direction as above to Wilmer. At Wilmer continue east on LA Hwy 10. At Stoney Point turn right (south) on LA Hwy 450. Go about 2 miles to the Wilton Seal Rd. Turn left on Wilton Seal Rd and go about 1/2 mile and look for signs. The field will be on the right side of the road.

West Baton Rouge Parish

Port Allen, LA - 500 acres: From I-10 take LA Hwy 415 to LA Hwy 76. Turn left (west) on Hwy 76. Go 5.1 miles and the field will be on the left (south) side of Hwy 76. There is a trailer and farm equipment on the side of the road opposite the field entrance.

Note: hunters in this field should be prepared for muddy conditions, they should also bring blind material, there is little cover beyond the perimeter of the field.

Ouachita Parish

Fondale, LA - 435 acres: Approximately 11 miles south of Monroe off U.S. Hwy 165. Turn east off Hwy 165 at a green frame house with farm equipment parked around it. Signs will mark this turn-off. From Monroe, the turn-off 2.6 miles south of Harmon Johnson Rd. From Columbia, the turn-off is 0.8 miles north of LA 841.

Avoyelles Parish

Marksville, LA - 200 acres - From Hwy. 1 in Marksville take the Slim Lemoine Rd. Slim Lemoine Rd. is located next to the Grand Casino. Go 1.1 miles on the Slim Lemoine Rd. and bear to the left onto a gravel road. The field is 0.3 miles down the gravel road. Look for a gate with a sign.

1998		February			1998	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

SCHEDULE FOR FINAL RULES TO BE PUBLISHED IN STATE REGISTER

NOV-97

RULE - Waddill Wildlife Refuge

RULE - 1998 Turkey Hunting

?

RULE - Oyster Lease Moratorium for New Acreage

?

**RULE - Daily Take, Possession & Size Limits Set by
Commission, Reef Fish**

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary



CONTACT
504/765-2923

97-254a

9/30/97

OCTOBER COMMISSION MEETING AGENDA REVISED

The Wildlife and Fisheries Commission has revised the agenda for its next regular meeting, scheduled for 10 a.m., Thursday, Oct. 2, 1997. The meeting will be held at Wildlife and Fisheries headquarters, 2000 Quail Drive, Baton Rouge.

The meeting is open to the public. The revised agenda follows.

1. Roll call.
2. Approval of Commission meeting minutes of Sept. 4, 1997.
3. Declaration of Emergency and Notice of Intent: proof of income for spotted seatrout management measures.
4. Declaration of Emergency and Notice of Intent: proof of income for harvest of mullet.
5. Declaration of Emergency and Notice of Intent: proof of income for saltwater rod and reel commercial license.
6. Discussion of setting white-tailed deer hunting season on deer farms.
7. Discussion of black bass management regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex.
8. Shell dredging, central coast — discussion only.
9. Enforcement and Aviation reports/September.
10. Division Reports:
 - a. CITES report.
 - b. Dove and teal season reports.
 - c. Drawing for Red River WMA lottery duck hunts (after Commission meeting adjourns).
 - d. Hunting and Fishing Day report.
11. Set February 1998 meeting date.
12. Public comments.
13. Adjourn.

September 30, 1997

NEWS RELEASE

APPROVED: _____



AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, October 2, 1997, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of September 4, 1997
3. Declaration of Emergency & Notice of Intent - Proof of Income for Spotted Seatrout Management Measures
4. Declaration of Emergency & Notice of Intent - Proof of Income for Harvest of Mullet
5. Declaration of Emergency & Notice of Intent - Proof of Income for Saltwater Rod & Reel Commercial License
6. Discussion of Setting a White-Tailed Deer Hunting Season on Deer Farms
7. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex
8. Shell Dredging, Central Coast - Discussion Only
9. Enforcement & Aviation Reports/September
10. Division Reports
 - a. CITES Report
 - b. Dove and Teal Season Reports
 - c. Drawing for Red River WMA Lottery Duck Hunts (After Commission Meeting Adjourns)
 - d. Hunting & Fishing Day Announcement
11. Set February 1998 Meeting Date
12. Public Comments
13. Adjourn

WINTON VIDRINE

7. Enforcement & Aviation Reports/September
8. Division Reports
 - a. CITES Report
 - b. Dove and Teal Season Reports
 - c. Drawing for Red River WMA Lottery Duck Hunts (After Commission Meeting Adjourns)
 - d. Hunting & Fishing Day Announcement
9. Set February 1998 Meeting Date
10. Public Comments

JHJ:sch

cc: Clyde Kimball
Ron Couvillion
Johnnie Tarver ✓
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Division Chiefs

white tailed
→ Discussion of setting a deer hunting season on
deer farms - Oct 1 - Jan 31

State of Louisiana



REC'D

SEP 25 1997

OFFICE OF WILDLIFE
ASSISTANT SECRETARY

James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

September 23, 1997

MEMORANDUM

TO: Chairman and Members of Commission
FROM: James H. Jenkins, Jr., Secretary
SUBJECT: October Commission Meeting Agenda

The next regular Commission meeting will be held at 10:00 A.M. on Thursday, October 2, 1997, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of September 4, 1997

OFFICE OF MANAGEMENT & FINANCE

3. Declaration of Emergency & Notice of Intent - Proof of Income for Spotted Seatrout Management Measures
4. Declaration of Emergency & Notice of Intent - Proof of Income for Harvest of Mullet
5. Declaration of Emergency & Notice of Intent - Proof of Income for Saltwater Rod & Reel Commercial License

OFFICE OF WILDLIFE

OFFICE OF FISHERIES

6. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary



CONTACT
504/765-2923

97-254

9/26/97

OCTOBER COMMISSION MEETING SCHEDULED

The Wildlife and Fisheries Commission will hold its next regular meeting on Thursday, Oct. 2, 1997, at 10 a.m. The meeting is scheduled to convene at the Wildlife and Fisheries headquarters building, 2000 Quail Drive, Baton Rouge.

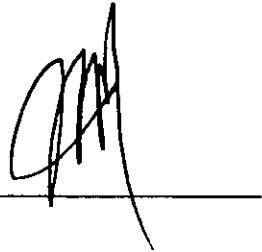
The meeting is open to the public. The agenda follows.

1. Roll call.
2. Approval of Commission meeting minutes of Sept. 4, 1997.
3. Declaration of Emergency and Notice of Intent: proof of income for spotted seatrout management measures.
4. Declaration of Emergency and Notice of Intent: proof of income for harvest of mullet.
5. Declaration of Emergency and Notice of Intent: proof of income for saltwater rod and reel commercial license.
6. Discussion of black bass management regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex.
7. *Shell dredging, central coast — discussion only.*
8. Enforcement and Aviation reports/September.
9. Division Reports:
 - a. CITES report.
 - b. Dove and teal season reports.
 - c. Drawing for Red River WMA lottery duck hunts (after Commission meeting adjourns).
 - d. Hunting and Fishing Day report.
10. Set February 1998 meeting date.
11. Public comments.
12. Adjourn.

September 25, 1997

NEWS RELEASE

APPROVED: _____



AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, October 2, 1997, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of September 4, 1997
3. Declaration of Emergency & Notice of Intent - Proof of Income for Spotted Seatrout Management Measures
4. Declaration of Emergency & Notice of Intent - Proof of Income for Harvest of Mullet
5. Declaration of Emergency & Notice of Intent - Proof of Income for Saltwater Rod & Reel Commercial License
6. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex
7. Shell Dredging, Central Coast - Discussion Only
8. Enforcement & Aviation Reports/September
9. Division Reports
 - a. CITES Report
 - b. Dove and Teal Season Reports
 - c. Drawing for Red River WMA Lottery Duck Hunts (After Commission Meeting Adjourns)
 - d. Hunting & Fishing Day Announcement
10. Set February 1998 Meeting Date
11. Public Comments
12. Adjourn

September 23, 1997

NEWS RELEASE

APPROVED: _____



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State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

September 23, 1997

MEMORANDUM

TO: Chairman and Members of Commission
FROM: James H. Jenkins, Jr., Secretary
SUBJECT: October Commission Meeting Agenda

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The following items will be discussed:

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OFFICE OF MANAGEMENT & FINANCE

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OFFICE OF WILDLIFE

OFFICE OF FISHERIES

6. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex

Page 2
Commission Meeting
September 23, 1997

WINTON VIDRINE

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JHJ:sch

cc: Clyde Kimball
Ron Couvillion
Johnnie Tarver
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Division Chiefs

C O V E R



FAX

S H E E T

To: Danny Babin

Fax #: 504-563-4202

Subject: October's Agenda

Date: September 23, 1997

Pages: 3, including this cover sheet.

COMMENTS:

Please review the attached and call. Thanks.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

504-765-2806
Fax: 504-765-0948

, 1997

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Commission Meeting
, 1997

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State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

September 3, 1997

MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-
Office of Wildlife, Assistant Secretary-Office of
Fisheries and Confidential Assistant

FROM: James H. Jenkins, Jr., Secretary

SUBJECT: Commission Meeting Agenda - October 2, 1997

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Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda. Thank you for your cooperation!

JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot
Karen Foote
Wynnette Kees
Karl Turner
Lyle Soniat
Phil Bowman

Wildlife Div.

We will only have some non-action items.

1- Dove and Teal Season Reports
(Division Reports)
2- Drawing for Red River WMA Lottery
• Duck Hunts After
Comm. Meeting
Adjourns.

[Handwritten signature]

[Handwritten initials]

~~Memo~~

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
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Karen Foote
Wynnette Kees
Karl Turner
Lyle Soniat ✓
Phil Bowman

HUNTING & FISHING DAY
ANNOUNCEMENT BY
M. MARSH
[Signature]

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
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Wynnette Kees
Karl Turner
Lyle Soniat
Phil Bowman

RECEIVED

SEP 04 1997

**INLAND FISHERIES
DIVISION**

SUSAN:

Please add the following
to the agenda for the
Oct. meeting:

DISCUSSION OF BLACK
BASS MANAGEMENT REGULA-
TIONS IN THE ATCHAFALAYA
RIVER BASIN AND LAKE
VERRET-PALOURDE COMPLEX.

BENNIE FONTENOT

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
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M.J. "Mike" Foster, Jr.
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September 3, 1997

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Karl Turner
Lyle Soniat
Phil Bowman

RECEIVED

SEP 04 1997

**INLAND FISHERIES
DIVISION**

A handwritten signature in dark ink, appearing to read "Bennie Fontenot".

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LATIONS IN THE ATCHAFAL-
FA RIVER BASIN AND LAKE
VERRET-PALOURDE COM-

BENNIE FONTE

FLASH-EX TO: *[Signature]* FROM: _____ DATE: *9/18/97*
 FAX #: *[Signature]* FAX #: _____ PAGES INCLUDING THIS PAGE: _____
 PHONE #: _____



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

September 3, 1997

*John - 9-18-97
No items at
this time. Still dredging
may appear later. Karen*

MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-
Office of Wildlife, Assistant Secretary-Office of
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Karl Turner
Lyle Soniat
Phil Bowman

*9-4-97
Any items?
Return to Karen
by Sept. 15 Monday.*

[Signature]

ROUTING LIST	DATE:
BOUDREAU	
FOOTE	
BOUDREAU	9-8-97
BLANCHET	None 9/15
DUGAS	None 9-8-97
HANIFEN	None 9/8/97
RAYOTE	None 9/8/97
SCHENKAYDER	None 9-8
SHEPARD	None 9/12/97
Thomas	None 9/6/97

Hawkins, Susan

From: Calais, Paula
Sent: Thursday, September 18, 1997 1:23 PM
To: Hawkins, Susan
Subject: MESSAGE

MARY GUEDRY CALLED AND SAID THAT RON HAS NOTHING FOR THE AGENDA.

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
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M.J. "Mike" Foster, Jr.
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Karl Turner
Lyle Soniat
Phil Bowman ✓

Susan

*Fur & Refuge Division
Does Not Have Any Agenda
Items for the Sept. Commission
meeting.*

[Signature] Thanks
PSB

REC'D

SEP 17 1997

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
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Phil Bowman

WJ Report
WV 9-11-97
[Signature]

State of Louisiana



James H. Jenkins, Jr.
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Phil Bowman

A handwritten signature in cursive script, likely of the Governor, M.J. "Mike" Foster, Jr.

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary



CONTACT
504/765-2923

97-251

9/19/97

WILDLIFE MANAGEMENT AREA AND REFUGE ENFORCEMENT ON-LINE

Hunters and other visitors to Louisiana's wildlife management areas and refuges this fall will find law enforcement presence at an all-time high. The newly formed ranks of conservation officers on Department of Wildlife and Fisheries administered lands are representative of intensive training efforts aimed at placing full-time professional law enforcement officers on these areas.

Eight conservation officers assigned to five Louisiana coastal wildlife refuges graduated from the Department of Wildlife and Fisheries' Law Enforcement Training Academy in June. A second class of 10 is scheduled to graduate in early November. These officers will be assigned to the state's wildlife management areas.

According to LDWF Secretary James H. Jenkins Jr., many of the conservation officers will be familiar faces to people who visit the refuges and WMAs regularly. "All of these men were formerly assigned to the areas and worked in the Fur and Refuge and Wildlife Divisions as wildlife specialists," he said. "Many will be returning to the same areas to enforce the law in familiar territory and on a full-time basis."

In addition to the conservation officers, wildlife enforcement agents from the state's nine enforcement regions and statewide special strike force will patrol the areas as they have done in the past.

LDWF Enforcement Chief Col. Winton Vidrine explained how Enforcement Division patrols on the refuges and WMAs resulted in more effective law enforcement during the 1996-97 hunting season. "We had wildlife agents increase both day and night patrols on these areas last hunting season," he said. "The number of violations detected increased by 58 percent over figures for the same months of the previous hunting season on department lands. With the conservation officers in place we expect to be even more effective this fall and winter."

-30-

EDITORS: For more information contact Maj. Keith LaCaze at 504-765-2985
(lacaze_bk@wlf.state.la.us).

State of Louisiana

Parish of Pointe Coupee In the Name and By the Authority of The Police Jury of Pointe Coupee Parish

RESOLUTION

WHEREAS, the Pointe Coupee Parish Police Jury represents the interests of the citizens of Pointe Coupee Parish; and

WHEREAS, the Police Jury recognizes the positive economic impact recreation and tourism has on Pointe Coupee Parish; and

WHEREAS, the Police Jury hereby supports and promotes the holding of major fishing tournaments on False River in Pointe Coupee Parish; and

WHEREAS, Representative Robert Marionneaux, Jr., offered Act 449 of the 1997 Legislative Session which would have allowed an exemption from slot limits on bass for tournaments with 100 or more boats as participants thus encouraging additional tournaments in the parish; and

WHEREAS, the Louisiana Department of Wildlife and Fisheries Commission has decided at a recent meeting to ignore Act 449; thereby potentially resulting in cancellation of tournaments and causing a negative economic impact on the parish: Therefore be it

RESOLVED, That the Pointe Coupee Parish Police Jury is requesting the support of the Louisiana Department of Wildlife and Fisheries to reconsider their prior decision and adhere to the slot limits rules set forth in Act 449; and be it

RESOLVED further, That a copy of this resolution be forwarded to Governor Murphy "Mike" Foster, Jr., Senators Tom Greene and Wilson Fields, and Representatives Robert Marionneaux, Jr., and Robert Carter.

* * * * *

STATE OF LOUISIANA

PARISH OF POINTE COUPEE

I, DAVID E. CIFREO, Secretary-Treasurer of the Police Jury of the Parish of Pointe Coupee, Louisiana, certify that the above and foregoing constitutes a true and correct copy of a resolution from the minutes of a regular meeting of the Pointe Coupee Parish Police Jury held on September 23, 1997.

IN WITNESS WHEREOF, I have subscribed my official signature and impressed the official seal of the Police Jury of the Parish of Pointe Coupee, Louisiana, this 30th day of September, 1997.




Secretary-Treasurer